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# STATUTES

OF THE

# PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

## Second Year of the Reign of His Majesty KING GEORGE V.,

## Being the First Session of the Thirteenth Legislature of Ontario,

1912

BEGUN AND HOLDEN AT TORONTO ON THE SEVENTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWELVE




HIS HONOUR
SIR JOHN MORISON GIBSON, K.C.M.G.,
LIEUTENANT-GOVERNOR.

124074
6/9/12

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1912

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# 2 GEORGE V.

## CHAPTER 1.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending on the 31st day of October, 1912, and for the public service of the financial year ending the 31st day of October, 1913

*Assented to 16th April, 1912.*

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by messages from His Honour Sir John Morison Gibson, Knight Commander of the most Distinguished Order of St. Michael and St. George, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending on the 31st day of October, 1912, and for the financial year ending the 31st day of October, 1913, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$4,842,844.43 granted for year ending 31st October 1912.

**1**. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole four million eight hundred and forty-two thousand eight hundred and forty-four dollars and forty-three cents, towards defraying the several charges and expenses of the public service of this Province not otherwise provided for, from the first day of November, 1911, to the thirty-first day of October, 1912, as set forth in Schedule "A" to this Act.

$8,844,496.66 granted for fiscal year 1912-13.

**2**. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding

ceeding in the whole eight million eight hundred and forty four thousand four hundred and ninety-six dollars and sixty-six cents, towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the first day of November, 1912, to the thirty-first day of October, 1913, as set forth in Schedule "B" to this Act.

Accounts to be laid before Assembly.

**3**. Accounts in detail of all moneys received on account of this Province during the said financial year 1911-1912 and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1912-1913 and of all expenditures under Schedule "B" of this Act, shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for 1911-1912 unexpended.

**4**. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1912, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act,* as amended by the Act passed in the ninth year of the reign of His late Majesty, King Edward the Seventh, Chaptered Eleven, intituled *An Act respecting the Fiscal Year,* shall on the first day of December following lapse and be written off.

Appropriations for 1912-1913 unexpended, to lapse.

**5**. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1913, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall on the first day of December following lapse and be written off.

Accounting for expenditure.

**6**. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Schedule

## SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and twelve, and the purposes for which they are granted:—

### CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

| | | |
|---|---|---|
| Office of the Prime Minister and President of the Council | $200 00 | |
| Attorney-General's Department | 3,587 50 | |
| Education Department | 1,200 00 | |
| Lands, Forests and Mines Department | 4,200 00 | |
| Public Works Department | 12,875 00 | |
| Treasury Department | 1,850 00 | |
| Auditor's Office | 2,770 00 | |
| Provincial Secretary's Department | 47,545 00 | |
| Department of Agriculture | 4,782 00 | |
| Factory Inspection Branch | 760 00 | |
| Stationary Engineers | 750 00 | |
| Miscellaneous | 950 00 | |
| | | $81,469 50 |

### LEGISLATION.

To defray expenses of Legislation ..... $3,300 00

### ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice ..... $17,731 17

### EDUCATION.

To defray expenses of:—

| | | |
|---|---|---|
| Public and Separate School Education | $125,215 99 | |
| Normal and Model Schools, Toronto | 1,497 20 | |
| Normal and Model Schools, Ottawa | 1,160 74 | |
| Normal and Model Schools, London | 290 00 | |

Normal

| | | |
|---|---|---|
| Normal School, Hamilton ..... | 270 00 | |
| Normal School, Peterborough .. | 370 00 | |
| Normal School, Stratford .... | 308 35 | |
| Normal School, North Bay . | 1,549 42 | |
| High Schools and Collegiate Institutes . . ..... | 12,300 00 | |
| Departmental Library and Museum . . ..... | 855 10 | |
| Public Libraries, Art Schools, Historical, Literary and Scientific Societies ..... | 10,117 81 | |
| Technical Education ..... | 46,900 00 | |
| Maintenance Education Department and Miscellaneous . . ..... | 805 87 | |
| Institution for Deaf and Dumb, Belleville . . ..... | 3,547 00 | |
| Blind Institute, Brantford ... | 1,967 00 | |
| | | $207,154 48 |

PUBLIC INSTITUTIONS, MAINTENANCE.

| | | |
|---|---|---|
| To defray expenses of:— | | |
| Hospital for Insane, Brockville . . . ..... | $13,030 00 | |
| Hospital for Insane, Cobourg | 200 00 | |
| Hospital for Insane, Hamilton | 11,750 00 | |
| Hospital for Insane, Kingston | 2,770 00 | |
| Hospital for Insane, London . | 5,830 00 | |
| Hospital for Insane, Mimico | 11,085 00 | |
| Hospital for Feeble Minded, Orillia . . ..... | 9,280 00 | |
| Hospital for Insane, Penetanguishene . ..... | 2,890 00 | |
| Hospital for Insane, Toronto | 8,180 00 | |
| Hospital for Epileptics, Woodstock . . ..... | 4,450 00 | |
| Central Prison, Toronto ..... | 7,750 00 | |
| Central Prison Industries .... | 30,230 00 | |
| Mercer Reformatory, Toronto | 3,405 00 | |
| | | $110,850 00 |

AGRICULTURE.

| | |
|---|---|
| To defray expenses of a grant in aid of Agriculture . ..... | $75,410 00 |

COLONIZATION

COLONIZATION AND IMMIGRATION.

| | | |
|---|---|---|
| To defray expenses of Colonization and Immigration . . . . . | | $7,528 55 |

HOSPITALS AND CHARITIES.

| | | |
|---|---|---|
| To defray expenses of a grant in aid of Hospitals and Charities. . . . . | | $47,388 14 |

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

| | | |
|---|---|---|
| Government House . . . . . | 8,384 29 | |
| Parliament and Departmental Buildings . . . . . | 11,635 00 | |
| | | $20,019 29 |

PUBLIC BUILDINGS.

| | | |
|---|---|---|
| New Government House . . . . | $50,000 00 | |
| Parliament Buildings . . . . . | 328,750 00 | |
| No. 5 Queen's Park . . . . . | 7,600 00 | |
| Osgoode Hall . . . . . | 50,750 00 | |
| Public Institutions:— | | |
| Hospital for Insane, Brockville | 65,100 00 | |
| Hospital for Insane, Cobourg | 1,800 00 | |
| Hospital for Insane, Hamilton | 51,153 65 | |
| Hospital for Insane, Kingston | 24,200 00 | |
| Hospital for Insane, London | 62,600 00 | |
| Hospital for Insane, Mimico . | 27,000 00 | |
| Hospital for Feeble Minded, Orillia . . . . . | 41,700 00 | |
| Hospital for Insane, Penetanguishene . . . . . | 14,800 00 | |
| Hospital for Insane, Toronto . | 204,700 00 | |
| Hospital for Epileptics, Woodstock . . . . . | 9,200 00 | |
| Central Prison, Toronto . . . . . | 202,000 00 | |
| Mercer Reformatory, Toronto | 6,100 00 | |
| Educational:— | | |
| Normal and Model Schools, Toronto . . . . . | 425 48 | |
| Normal and Model School, Ottawa . . . . . | 500 00 | |
| Normal School, London . . . . . | 730 00 | |
| Normal School, Hamilton . . . . | 1,600 00 | |
| Normal School, Peterborough . | 2,970 64 | |
| Normal School, Stratford . . . | 2,550 00 | |

Normal

| | | |
|---|---|---|
| Normal School, North Bay | 2,100 00 | |
| Deaf and Dumb Institute, Belleville | 81,181 93 | |
| Institution for the Blind, Brantford | 73,425 00 | |
| New Normal Schools, Stratford, Peterborough, North Bay and Hamilton | 2,500 00 | |
| Ontario Agricultural College | 117,269 47 | |
| Horticultural Experimental Station | 6,522 30 | |
| Eastern Dairy School | 400 00 | |
| Ontario Veterinary College | 3,000 00 | |
| Colonization and Immigration Buildings | 16,000 00 | |
| Immigration Office, Front St., Toronto | 100 00 | |
| Miscellaneous | 26,260 00 | |
| Districts:— | | |
| Muskoka | 1,500 00 | |
| Sault Ste. Marie | 25 10 | |
| Thunder Bay | 974 00 | |
| Rainy River | 833 86 | |
| Nipissing | 4,800 00 | |
| Sudbury | 10,678 60 | |
| Kenora | 12,241 65 | |
| Total Public Buildings | | $1,516,041 68 |

PUBLIC WORKS.

| | |
|---|---|
| To defray expenses of Public Works | $156,065 00 |

COLONIZATION AND MINING ROADS.

| | |
|---|---|
| To defray expenses of Construction and Repairs | $391,112 31 |

CHARGES ON CROWN LANDS.

| | |
|---|---|
| To defray expenses on account of Crown Lands | $51,600 00 |

REFUNDS.

| | | |
|---|---|---|
| Lands, Forests and Mines | $10,000 00 | |
| Land Improvement Fund | 958 73 | |
| Education | 500 00 | |
| Miscellaneous | 22,000 00 | |
| | | $33,458 73 |

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure .... $2,123,715 58

Total Estimates for Expenditure of 1911-1912 . . . ..... $4,842,844 43

## SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and thirteen, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

| | | |
|---|---|---|
| Lieutenant-Governor's Office .. | $4,750 00 | |
| Office of the Prime Minister and President of the Council | 8,150 00 | |
| Attorney-General's Department | 68,330 00 | |
| Education Department ..... | 32,160 00 | |
| Lands, Forests and Mines Department ..... | 142,875 00 | |
| Public Works Department ... | 84,660 00 | |
| Treasurer's Department ..... | 37,154 00 | |
| Audit Office ..... | 19,500 00 | |
| Provincial Secretary's Department ..... | 230,970 00 | |
| Department of Agriculture ... | 79,025 00 | |
| Factory Inspection Branch ... | 23,850 00 | |
| Stationary Engineers ..... | 6,850 00 | |
| Miscellaneous ..... | 19,500 00 | |
| | | $757,774 00 |

LEGISLATION.

To defray expenses of Legislation ..... $286,400 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice ..... $748,364 66

EDUCATION.

To defray expenses of:—

| | | |
|---|---|---|
| Public and Separate School Education ..... | $1,169,600 00 | |

Normal

| | | |
|---|---|---|
| Normal and Model Schools, Toronto | 49,632 00 | |
| Normal and Model Schools, Ottawa | 47,470 00 | |
| Normal School, London | 26,675 00 | |
| Normal School, Hamilton | 22,585 00 | |
| Normal School, Peterborough | 23,155 00 | |
| Normal School, Stratford | 22,225 00 | |
| Normal School, North Bay | 27,220 00 | |
| High Schools and Collegiate Institutes | 170,900 00 | |
| Departmental Library and Museum | 20,328 00 | |
| Public Libraries, Art Schools, Historical, Literary and Scientific Societies | 73,450 00 | |
| Technical Education | 143,200 00 | |
| Superannuated Public and High School Teachers | 60,650 00 | |
| Provincial University and Mining Schools | 42,200 00 | |
| Maintenance Education Department and Miscellaneous | 32,824 00 | |
| Institution for Deaf and Dumb, Belleville | 65,139 00 | |
| Blind Institute, Brantford | 45,817 00 | |
| | | $2,043,070 00 |

PUBLIC INSTITUTIONS' MAINTENANCE.

| | | |
|---|---|---|
| To defray expenses of:— | | |
| Hospital for Insane, Brockville | $129,957 00 | |
| Hospital for Insane, Cobourg | 30,310 00 | |
| Hospital for Insane, Hamilton | 187,557 00 | |
| Hospital for Insane, Kingston | 123,483 00 | |
| Hospital for Insane, London | 174,020 00 | |
| Hospital for Insane, Mimico | 119,455 00 | |
| Hospital for Feeble Minded, Orillia | 106,982 00 | |
| Hospital for Insane, Penetanguishene | 72,935 00 | |
| Hospital for Insane, Toronto | 169,132 00 | |
| Hospital for Epileptics, Woodstock | 44,806 00 | |
| Central Prison, Toronto | 83,240 00 | |
| Central Prison Industries | 103,850 00 | |
| Mercer Reformatory, Toronto | 37,680 00 | |
| | | $1,383,407 00 |

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture ..... $719,636 00

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration . . . ..... $107,600 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities ..... $399,775 00

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

| | | |
|---|---|---|
| Government House ..... | $30,050 00 | |
| Parliament and Departmental Buildings . . ..... | 123,100 00 | |
| | | $153,150 00 |

PUBLIC BUILDINGS.

| | | |
|---|---|---|
| Government House ..... | $150,000 00 | |
| Parliament Buildings ..... | 60,000 00 | |
| Osgoode Hall ..... | 15,000 00 | |
| Public Institutions ..... | 353,600 00 | |
| Educational ..... | 9,300 00 | |
| Agriculture ..... | 96,000 00 | |
| Districts ..... | 41,600 00 | |
| | | $725,500 00 |

PUBLIC WORKS.

To defray expenses of Public Works ..... $73,200 00

COLONIZATION AND MINING ROADS

To defray expenses of Construction and Repairs ..... $130,000 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands ..... $662,050 00

REFUNDS

REFUNDS.

| | | |
|---|---|---|
| Education ..... | $1,500 00 | |
| Lands, Forests and Mines .... | 25,000 00 | |
| Miscellaneous ..... | 30,000 00 | |
| Succession Duty ..... | 36,000 00 | |
| | | $92,500 00 |

MISCELLANEOUS EXPENDITURE.

| | |
|---|---|
| To defray Miscellaneous Expenditure ..... | $562,070 00 |
| Total Estimates for Expenditure of 1912-1913 ..... | $8,844,496 66 |

CHAPTER

## CHAPTER 2.

# An Act for raising Money on the Credit of The Consolidated Revenue Fund of Ontario.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Loan of $5,000,000 authorized.

**1.** The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding Five Million dollars ($5,000,000) for any or all of the purposes following, that is to say;

(*a*) For the construction of works and improvements;

(*b*) The making of roads;

(*c*) The improvement and development of water powers;

(*d*) The advancement of settlement and colonization and the assistance of settlers;

(*e*) The improvement of means of transportation and of communication and the encouragement and assistance of agriculture and reforestration,

in the north and northwestern districts of the Province and for such other public purposes of a like character as the Lieutenant-Governor in Council may deem expedient.

Terms of loan.

**2.** The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario and shall be chargeable thereupon.

Securities to be free from Provincial taxes.

**3.** All bonds and inscribed stock issued under the authority of this Act shall be free from all Provincial taxes, succession duty, charges and impositions whatsoever.

**4.**

Sinking fund

**4.** The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized and such sinking fund may be at a greater rate than the one-half of one per centum per annum on the amount of such debentures or stock, as specified in subsection 2 of section 4 of *The Provincial Loans Act.*

8 Edw. VII. c. 12.

Appointment of officers.

**5.** The Lieutenant-Governor in Council may appoint a Deputy Minister, Commissioners, and such other officers and persons as may be requisite or proper for carrying out the purposes and objects of this Act.

Control and remuneration of officers.

**6.** Such Deputy Minister, Commissioners, officers and persons shall be attached to such Department of the Government, and shall perform such duties, and shall be paid such salaries or other remuneration as the Lieutenant-Governor in Council may direct, and the said salaries or other remuneration and the expenses of such Deputy Minister, Commissioners, officers, and persons shall be paid and disbursed out of the proceeds of the loan hereby authorized.

Oaths of officers.

**7.** Any Deputy Minister or Commissioner appointed as aforesaid shall before entering upon the duties of his office take and subscribe before the Clerk of the Executive Council of Ontario the Oath of Allegiance, and the Solemn Declaration provided for in section 36 of *The Ontario Public Service Act.*

Rev. Stat. c. 15.

Powers of Lieutenant-Governor in Council as to officers.

**8.** Notwithstanding anything in any other Act contained the Lieutenant-Governor in Council may from time to time fix the salaries, allowances and expenses to be paid to the Deputy Minister, Commissioners, officers and persons appointed under this Act and may from time to time cancel or alter any Order in Council made under this section and such salaries, allowances and expenses shall be payable out of the moneys set apart and appropriated under this Act.

Payments out of consolidated revenue fund.

**9.** There shall be paid out of the Consolidated Revenue Fund, to the extent of the proceeds of the loan hereby authorized, such sums as the Lieutenant-Governor in Council may from time to time deem necessary for the purposes of this Act, and the same shall be expended by such Departments or persons or through a Commission in such manner and at such times and for such of the purposes mentioned in section 1 as may be designated by the Lieutenant-Governor in Council.

Orders in Council to be laid before Assembly.

**10**. Every Order in Council made under this Act shall be laid before the Assembly forthwith if the Assembly is then in Session and if the Assembly is not then in Session then within the first fifteen days after the opening of the next Session thereafter.

Moneys expended to be accounted for.

**11**. The due application of all moneys expended under this Act shall be accounted for to His Majesty.

CHAPTER

# CHAPTER 3.

## An Act to express the Consent of the Legislative Assembly of the Province of Ontario to an Extension of the Limits of the Province.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Consent to increase of limits.

**1.** The Legislative Assembly of the Province of Ontario hereby consents to the Parliament of Canada increasing the limits of the Province of Ontario so that the boundaries thereof shall include in addition to the present territory of the Province the territory bounded and described in the Act of the Parliament of Canada set forth in the Schedule to this Act.

Consent to effect and operation of such increase.

**2.** The said Legislative Assembly further consents to the Parliament of Canada making provision respecting the effect and operation of such increase of territory in the manner set forth in the said Act.

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### SCHEDULE.

AN ACT TO EXTEND THE BOUNDARIES OF THE PROVINCE OF ONTARIO.

Preamble.

Whereas, on the thirteenth day of July, one thousand nine hundred and eight, the House of Commons resolved that the limits of the Province of Ontario should be increased by the extension of the boundaries of the province so as to include the territory hereinafter described, as in the said resolution is more particularly set out, upon such terms and conditions as may be agreed to by the Legislature of Ontario, and by the Parliament of Canada; Therefore, subject to the consent of the said Legislature, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as The Ontario Boundaries Extension Act.

Boundaries extended.

2. The limits of the Province of Ontario are hereby increased so that the boundaries thereof shall include, in addition to the present territory of the said province, the territory bounded and described

described as follows:—Commencing at the most northerly point of the westerly boundary of the Province of Ontario as determined by *The Canada (Ontario) Boundary Act, 1889*, Chapter 28, of the Statutes of 1889 of the United Kingdom, (the said westerly boundary being the easterly boundary of the Province of Manitoba); thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence northeasterly in a right line to the most eastern point of Island Lake as shown in approximate latitude 53° 30′ and longitude 93° 40′ on the railway map of the Dominion of Canada, published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay; thence easterly and southerly following the shore of the said Bay to the point where the northerly boundary of the Province of Ontario as established under the said Act intersects the shore of James Bay; thence westward along the said boundary as established by the said Act to the place of commencement; and all the land embraced by the said description shall, from and after the commencement of this Act, be added to the Province of Ontario, and shall, from and after the said commencement, form and be part of the said Province of Ontario; upon the following terms and conditions and subject to the following provisions: U. K. 1889, c. 28.

(*a*) That the Province of Ontario will recognize the rights of the Indian inhabitants in the territory above described to the same extent, and will obtain surrenders of such rights in the same manner as the Government of Canada has heretofore recognized such rights and has obtained surrender thereof and the said Province shall bear and satisfy all charges and expenditure in connection with or arising out of such surrenders; Indian rights in new territory.

(*b*) That no such surrender shall be made or obtained except with the approval of the Governor in Council; Surrenders.

(*c*) That the trusteeship of the Indians in the said territory, and the management of any lands now or hereafter reserved for their use, shall remain in the Government of Canada subject to the control of Parliament. Trusteeship.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in *The Canada Gazette*, but such proclamation shall not be made until after the Legislature of Ontario shall have consented to the increase of the limits of the Province herein provided for, and agreed to the terms, conditions and provisions aforesaid. Commencement of Act. Consent of Ontario Legislature.

4. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Ruperts Land to the Crown. Hudson's Bay Co rights preserved.

CHAPTER

## CHAPTER 4.

# An Act to amend The Voters' Lists Act

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII. c. 4, s. 9 subs. 1, amended.

**1.**—(1) Subsection 1 of section 9 of the said Act is amended by adding thereto the following:—

(*h*) The Registrar of Deeds.

7 Edw. VII. c. 4, s. 9, subs. 1 amended.

(2) Subsection 1 of the said section 9 is further amended by adding thereto the following proviso:—

Sending list to secretary-treasurer of school board.

"Provided that the copies required to be sent to every Head Teacher of a Public or Separate School may be sent by the Clerk to the Secretary or Secretary-Treasurer of the School Board by which such Teacher is employed."

9 Edw. VII. c. 26, s. 6 subs. 4, repealed.

(3) Clause (*e*) of subsection 2 of section 9 of *The Ontario Voters' Lists Act,* added thereto by subsection 4 of section 6 of *The Statute Law Amendment Act, 1909,* is repealed.

7 Edw. VII. c. 4, s. 12 amended.

**2.** Section 12 of the said Act is amended by adding thereto the following proviso:—

Duty of secretary-treasurer as to posting up list.

"Provided that where copies of the list have been sent to the Secretary or Secretary-Treasurer of a School Board instead of to the Head Teacher of a Public or Separate School, such Secretary or Secretary-Treasurer shall act in place of the Head Teacher, and shall post up one copy of the list on the door of every School House under the control of the Board."

**3.**

**3.** Section 24 of the said Act is amended by striking out the words "upon a scrutiny" in the first line, and by striking out the words " on such scrutiny " in the second line of the paragraph numbered 1, and by striking out the word "either" in the second line of paragraph 2, and inserting after the word " Act " in the last line of the same paragraph the words " or *The Consolidated Municipal Act, 1903.*" 7 Edw. VII. c. 4, s. 24 amended.

**4.** Section 28 of *The Ontario Voters' Lists Act* is repealed and the following substituted therefor: 7 Edw. VII. c. 4, s. 28, amended.

Remuneration of clerk for services in connection with complaints.

28. The Clerk shall be entitled to the actual and reasonable disbursements necessarily incurred by him in the discharge of the duties imposed upon him by this Act, and shall also be entitled to the following compensation:—

(1) Two cents for the name of every person entered in the list of complaints.

(2) Two cents for every name entered in any necessary copy of the list of complaints.

(3) Two cents for every name entered or other correction made by the Judge in the Voters' List, and in every copy of the list as revised.

(4) Two cents for every name in the statement of changes made by the Judge in the List.

(5) Eight cents for every necessary notice to any party complaining or complained against.

(6) Five cents for every mile necessarily and actually travelled by him in effecting service of a notice of appeal or complaint.

(7) Three dollars for every day's attendance at the sittings of the Court.

CHAPTER

## CHAPTER 5.

### An Act respecting the Appointment of a Commissioner to report upon certain Territory.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of member of Legislative Assembly as Commissioner 8 Edw. VII. c. 5.

**1.**—(1) Notwithstanding anything contained in *The Legislative Assembly Act,* it shall be lawful for the Lieutenant-Governor in Council to appoint any member of the Legislative Assembly as a Commissioner to proceed to that territory lying north and north-west of the present northern boundaries of the Province of Ontario, which the Parliament of Canada is proposing to add to the said Province, taking with him such assistance as may be necessary to examine and report upon the character and condition of the soil, climate and natural features and resources of such territory, and to perform such other duties as may be assigned to such Commissioner by the Lieutenant-Governor in Council, and to direct the payment to the said Commissioner for his services of such reasonable sum as may be determined by the Lieutenant-Governor in Council out of any moneys which may be voted by the Legislative Assembly for that purpose, and the said Commissioner shall not, by reason of such appointment or remuneration, or the acceptance thereof, avoid his election or vacate or forfeit his seat, or be rendered ineligible as a member of the Assembly, or to sit or vote therein, or incur any of the penalties imposed by the said Act.

Powers of Commissioner.

(2) The said Commissioner, with regard to the said territory and while actually therein, shall have the powers of a Police Magistrate.

## CHAPTER 6.

## An Act to amend The Forest Reserves Act.

*Assented to 16th April, 1912.*

Preamble. 10 Edw. VII c. 8.

WHEREAS under sections 1 and 2 of *The Forest Reserves Act,* a certain territory called the Temagami Forest Reserve was declared to be a permanent Crown Forest Reserve; and whereas it is expedient to withdraw from the operation of the said Act, the lands hereinafter described;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands in township of Deloro and part of township of Ogden withdrawn from Temagami Forest Reserve.

**1.** The lands comprised within the limits of the unsurveyed Township of Deloro, and all the lands east of the Mattagami River in the unsurveyed Township of Ogden are hereby withdrawn from the said Crown Reserve, and *The Forest Reserves Act* shall no longer apply thereto, so long as the same remain so withdrawn.

Issue of patents to mining lessees in lands withdrawn.

**2.** The holder of any mining lease issued by the Crown for lands situated in the said Township of Deloro or that part of the said Township of Ogden hereby withdrawn from the said Reserve, may, on application obtain a patent under the provisions of *The Mining Act of Ontario* upon payment of the price per acre provided by section 107 of the said Act, and the lessee shall receive credit as against such price for any sum or sums paid by him as rent. 3 Edw. VII. c. 21.

CHAPTER

# CHAPTER 7.

## An Act respecting Purchases of Timber Licenses in Provincial Parks and Forest Reserves.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Timber License Purchase Act.*

Loan of $500,000 authorized.

**2.** The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding five hundred thousand dollars ($500,000) for the purpose of purchasing the rights of licensees of timber limits in any lands heretofore or hereafter set apart as a Provincial Park or Forest Reserve, and for other purposes necessarily incidental thereto.

Term and rate of loan.

**3.** The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Bonds and stock for loan to be free of Provincial taxes.

**4.** All bonds and inscribed stock issued under the authority of this Act shall be free from all Provincial taxes, succession duty charges and impositions whatsoever.

Sinking fund.

**5.** The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of the one per centum per annum, on the amount of such debentures or stock, as specified in subsection 2 of section 4 of *The Provincial Loans Act.*

8 Edw. VII c. 12.

**6.**

**6**. The Lieutenant-Governor in Council is hereby authorized and empowered to expend the proceeds or any part thereof of the loan referred to in section 2 hereof, in purchasing the rights of licensees of timber limits in any lands heretofore or hereafter set apart as a Provincial Park or Forest Reserve and to do all such other acts as are necessarily incidental to such purchase or purchases; all such purchases shall be either previously authorized by Resolution of the Legislative Assembly, or, when completed, shall be laid before the Legislative Assembly and confirmed by a Resolution thereof.

Application of proceeds of debentures in purchasing rights of timber licensees.

CHAPTER

# CHAPTER 8.

## An Act to amend The Mining Act of Ontario.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Mining Amendment Act, 1912.*

8 Edw. VII. c. 21, s. 6, subs. 1, amended. Departmental officers.

**2.** Subsection 1 of section 6 of *The Mining Act of Ontario,* is amended by inserting after the word "Inspectors" in the third line thereof the words "and such other officers and agents as he may deem necessary."

8 Edw. VII. c. 21, s. 16, amended. Deputy Minister may act as commissioner.

**3.** Section 16 of *The Mining Act of Ontario* is amended by adding thereto the following subsection:

(4) In case of his illness or absence from the Province the Deputy Minister of Mines may act in his stead.

8 Edw. VII. c. 21, s. 52, amended.

**4.** Section 52, of the said Act, is amended by adding thereto the following subsection:

Claims including lands covered with water.

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter section or subdivision of a section, or have constituted a lot, quarter section, or sub-division of a section, may be included in a claim as if it were in fact part of such lot, quarter section, or subdivision of a section; but wherever a claim includes land covered with water there may be reserved to the Crown, the surface rights in a strip of land along the shore 66 feet in perpendicular width from the water's edge and such other rights of access and passage to, from and over the water as to the Minister may seem desirable, and in the case of navigable water a lease or license only to extract the ore or mineral, and not a patent, shall be granted.

**5.**

**5.** Section 53 of the said Act is amended by striking out the words "applied for or recorded" in the second line thereof and substituting therefor the words "or applied for." 8 Edw. VII. c. 21, s. 53. amended. Number of claims of licensee in one year.

**6.**—(1) Subsection 1 of section 62, of the said Act, is amended by adding after the words "already recorded" in the 5th line thereof the words "and subsisting." 8 Edw. VII. c. 21, s. 62, subs. 1 amended. Recording claim.

(2) Subsection 2 of the said section is amended by striking out the words "the applicant may appeal to the Commissioner against the Recorder's refusal to record" in the 7th, 8th and 9th lines thereof, and substituting therefor the words "any question involved may be adjudicated as provided in this Act." 8 Edw. VII. c. 21, s. 62, subs. 2 amended. Adjudication of disputes as to recording claims.

(3) The said section is further amended by adding thereto the following subsection: 8 Edw. VII. c. 21, s. 62, amended.

(3) As soon as reasonably possible after the recording of the mining claim, and not later than the expiration of the time for performing the first instalment of work, the holder of the claim shall affix or cause to be affixed securely, to his No. 1 post, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the Recorder or Commissioner on the application of any one misled by the lack of such tag. The Recorder on application shall supply such numbered tag free of charge. Tagging No. 1, post after recording

**7.** Section 77, of the said Act, is amended by adding thereto the following subsections: 8 Edw. VII., c. 21, s. 77, amended.

(5) A copy of a writ of execution certified by the sheriff of the county or district to be a true copy of a writ in his hands may be filed with the Recorder, and the Recorder, upon receiving the prescribed fee and being given the number or description of the claim, shall enter a note of such execution upon the record of each claim of which the execution debtor is the recorded holder or in which he has a recorded interest, and from and after, but not before such entry, the execution shall bind all the right or interest of the execution debtor in the claim, and after such entry the sheriff shall have power to sell and realize upon such right or interest in the same way as goods Executions against claims, entering note of.

and

and chattels may be sold and realized upon under execution, and a transfer from the sheriff to the purchaser may, upon the latter becoming, if he is not before, a licensee, be recorded in like manner and with the same effect as a transfer from the execution debtor.

Certified copy, fee therefor.

(6) Such certified copy of the writ of execution may be obtained from the sheriff on payment of a fee of $1, which fee, together with the fee paid for recording the same, shall be added to the execution debt.

Renewal of execution.

(7) After entry of such execution upon the record of the claim the sheriff or the execution creditor may do anything which the execution debtor could do to keep the claim or interest in or restore it to good standing, and shall be entitled to add the necessary expense thereof to the execution debt.

Discharge of execution.

(8) Such execution may be discharged by recording a certificate from the sheriff that it has been satisfied, or by recording a release from the execution creditor, or by obtaining and filing an order of the Commissioner directing its removal.

8 Edw. VII. c. 21, s. 78, amended.

**8.** Section 78 of the said Act is amended by adding thereto the following as subsection (2*a*):—

Boring—how to count in computing work.

(2*a*) Boring by diamond or other core drill shall count as work at the rate of two days' work for every foot of boring in solid formation.

8 Edw. VII. c. 21, s. 79, amended.

**9.** Section 79 of the said Act is amended by adding thereto the following clause:

Computation of time.

(*e*) For the first instalment of work the time between the 16th of November and the 15th of April, both days inclusive, but this shall not have the effect of extending the time for performance of any subsequent instalment of work, and shall not alter the meaning of the word "expiration" in subsection 1 of section 78.

8 Edw. VII., c. 21, s. 82, subs. 2, amended.

**10.** Subsection 2 of section 82 of the said Act is amended by striking out all the words after the word "notice" in the third line thereof, and substituting therefor the following; "and shall forthwith post up in his office a notice of the abandonment, marked with the date of the posting up

thereof,

thereof, and thereupon all interest of the licensee in such claim shall cease and determine, and the claim shall on and after, but not before, the eleventh day after such posting up, inclusive of the day of posting up, be open for prospecting and staking out."

Posting up notice of abandonment of claim.

**11.** Subsection 2 of section 84, of the said Act, is amended by adding thereto the following sentence:

8 Edw. VII. c. 21, s. 84, subs. 2

"Proceedings raising questions of forfeiture shall not be deemed to be or be entered as disputes under section 63."

Proceedings as to forfeiture.

**12.** Subsection 1 of section 85, of the said Act, is amended by striking out the words "shall not take place for three months after default if" in the second line thereof and substituting therefor the words "shall be avoided if within three months after default."

8 Edw. VII., c. 21, s. 85, subs. 1, amended.

**13.** Section 99 of the said Act is amended by adding at the end thereof the following sentence:

8 Edw. VII. c. 21, s. 99, amended.

"But no work shall be required to be done between the 16th of November and the 15th of April, both days inclusive."

No work need be done between 16th November and 15th April.

**14.** Subsection 1 of section 112 of the said Act is amended by adding thereto the following proviso:

8 Edw. VII. c. 21, s. 112, subs. 1, amended.

Provided, however, that where such lands heretofore or hereafter granted are not under timber license or in a Forest Reserve, the owner thereof may without payment of Crown dues cut thereon and use for mining purposes thereon or on any adjoining lands owned by him any trees of the variety *Pinus Banksiana,* commonly known as "jack-pine."

Cutting jack-pine on patented mining lands.

**15.** Subsection 4 of section 113 of the said Act is repealed and the following substituted therefor:

8 Edw. VII., c. 21, s. 113 subs. 4, amended.

(4) He shall plant at each angle of the claim an iron post with the recorded number and letter or letters, if any, of the claim permanently marked thereon, and at or near each iron post shall also plant a large wooden guide post marked with such number and letter or letters.

Surveyors' posts on claims.

**16.** The said section 113 is further amended by adding thereto the following subsections:

8 Edw. VII., c. 21, s. 113 amended.

(6) No such survey, except as herein provided, shall be made within a distance of fifteen miles in a straight line from the Recorder's office without the written consent or direction of the Recorder

Duty of surveyor.

or

or of the Commissioner or the Minister or Deputy Minister, and it shall be the duty of the surveyor before proceeding with the survey to examine the application and sketch or plan of the claim or certified copies thereof and before completing or filing his survey to ascertain by careful examination of the ground and by all other reasonable means in his power whether or not any other subsisting claim conflicts with the claim he is surveying, and no survey shall be accepted unless accompanied by a certificate signed by the surveyor in the following form:

Form of certificate.

**I hereby certify that I have carefully examined the ground included in mining claim No. ....., surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no** knowledge or information of any such claim except as follows: (*if none so state, if any give particulars*).

Penalty for misconduct of surveyor.

(7) A surveyor who surveys a claim without the written consent or direction mentioned in subsection 6 shall be guilty of an offence against this Act and shall incur a penalty not exceeding $50.

Provided that where a claim is fifteen miles or more in a straight line from the Recorder's office, and the consent or direction mentioned in subsection 6 has not been refused, the surveyor may nevertheless survey the claim, but before signing the certificate mentioned in subsection 6 he shall in all other ways proceed as set out in said subsection, and shall, along with his survey, file with the Recorder a sworn statement setting forth the circumstances under which the survey was made without the consent or direction aforesaid.

8 Edw. VII., c. 21, ss. 157, 158, 159 and 160 repealed.

**17**. Sections 157, 158, 159 and 160 of the said Act are repealed and the following sections substituted therefor:—

Employment of children under fourteen prohibited.

157. No boy or girl under the age of fourteen years shall be employed in or about any mine, and no boy under the age of seventeen years shall be employed below ground in any mine.

Girls and women.

158. Except as stenographer, book-keeper or in some similar capacity, no girl or woman shall be employed at mining work or allowed to be for the purpose of employment at mining work, in or about any mine.

160.—

160.—(1) No person under the age of twenty years shall be allowed to have charge of any hoisting engine by means of which persons are hoisted, lowered or hauled in a shaft, incline or level at any mine. Persons under twenty not to have charge of hoist.

(2) No person under the age of eighteen years shall be allowed to have charge of any hoisting engine or hoisting apparatus of any kind at a mine. Persons under 18, not to have charge of hoist.

**18.** Section 164 of the said Act is repealed and the following substituted therefor:— 8 Edw. VII. c. 21, s. 164, repealed.

164. The following rules shall be observed and carried out at every mine, except in so far as the Inspector may deem the same not reasonably practicable; Rules for operating mines.

*Sanitation.*

1. An adequate amount of ventilation shall be constantly produced so that the shafts, adits, tunnels, winzes, raises, sumps, levels, stopes, cross-cuts, underground stables and working places of the mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein. Ventilation.

2. In every working mine which is entered by a shaft and operated to a greater depth than 100 feet, and in every mine which is entered by an adit or tunnel and operated to a greater distance than 300 feet from the entrance to the adit or tunnel, the Inspector may require a sufficient number of portable watertight privies to be provided for the underground employees of the mine, and such privies shall be taken to the surface and thoroughly cleansed every twenty-four hours. Portable privies.

*Care of Explosives.*

3. No magazine for explosives shall be erected or maintained nearer than four hundred feet from the mine and works, or any public highway, except with the written permission of the Inspector, and every such magazine shall be constructed of materials and in a manner to insure safety against explosion from any cause, and shall be either so situated as to interpose a hill or rise of ground higher than the magazine between it and the mine and works, or an artificial mound of earth as high as the magazine and situate not more than 30 feet from it shall be so interposed. Magazine for explosives.

4.

Cases for explosives.

4. Cases containing explosives shall not be opened in the magazine, and only implements of wood, brass or copper shall be used in opening the cases.

When firing to be by electric current.

5. In sinking shafts or winzes all firing shall be done by means of electric current; but this shall not apply to claims not patented or leased.

Where explosives are stored in mines.

6. Explosives stored underground in a working mine shall be kept in securely covered and locked boxes, and, where thawed underground, shall be kept in an unused part of the mine, never less than ten feet from lines of underground traffic nor less than one hundred and fifty feet from places where drilling and blasting are carried on, and shall at all times be in charge of a specified man fully qualified by his experience to take charge thereof.

Amount of supply.

7. No explosives in excess of a supply for twenty-four hours shall be stored underground in a working mine.

Storage of fuse, blasting caps, etc.

8. Fuses, blasting-caps and electric detonators shall be kept in a place of safety and shall not, nor shall any article containing iron or steel, be kept or stored in the same magazine or thawing-house with explosives or nearer than 50 feet therefrom.

Lighted lamps or candles to be kept at a distance from explosives.

9. Whenever a workman opens a box containing explosives, or in any manner handles the same, he shall not permit any lighted lamp or candle to come closer than five feet to such explosives, and a workman with a lighted lamp, candle, pipe or any other thing containing fire shall not approach nearer than five feet to an open box containing an explosive.

Inspection of stores of explosives in a mine.

10. The manager, captain or other officer in charge of a mine shall make a thorough daily inspection of the condition of the explosives in or about the same, and shall make an immediate investigation when an act of careless placing or handling of explosives is discovered by or reported to him;

Offence to be reported to the Inspector or Crown Attorney.

(*a*) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered it, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act, and

the

the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown Attorney of the County or District in which the mine is situate. (As amended in 1909 by 9 Edw. VII. c. 17, s. 2.)

Thawing house and apparatus for explosives.

11. A suitable house in which to thaw explosives shall be built separate from the other mine buildings and shall be equipped with suitable apparatus for thawing explosives approved by the Inspector, and shall be under the direction of the mine foreman or some other careful and experienced workman. Whenever deemed necessary by the Inspector, suitable apparatus for thawing explosives shall also be provided for use in the mine and shall be used only under the direction of the mine foreman or of some other careful and experienced workman. The quantity of explosives brought into the thawing house shall not at any time exceed the requirements of the mine for a period of twenty-four hours, except where such requirements would be less than one hundred pounds.

Recording thermometer in thawing room.

12. A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept.

No iron or steel to be used in charging holes.

13. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel shall be used in any hole containing explosives, and no drilling shall be done in any hole that has been blasted, nor shall any iron or steel tool be introduced into the bottom of any such hole. (As amended in 1909 by 9 Edw. VII. c. 17, s. 3.)

Duty of miner when hole misses fire.

14. When a miner fires a round of holes he shall count the number of shots exploding, except in case of instantaneous blasting by electricity. If there are any reports missing he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the position of the hole shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of miners, before work is commenced by them.

Report of missed hole.

Charge missing fire to be blasted.

15. A charge which has missed fire shall not be withdrawn, but shall be blasted, and no drilling shall be done in the working place where there is a missed hole or a cut-off hole containing explosive until it has been blasted.

16.

Size of drill holes.

16. All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.

Blasting of roast heaps.

17. No explosives shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

Marking strength on original packages of explosives.

18. No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength, and the date of its manufacture.

*Time of Blasting.*

Blasting on contiguous claims.

19. Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

*Protection in Working Places.*

Refuges from tracks in levels.

20. On every level in which mechanical haulage is employed, there shall be at intervals of not more than one hundred yards a place of refuge, affording a space of at least three feet of width between the widest part of the car or train running on the tramway, and the farthest side of the place of refuge.

Keeping refuges clear.

21. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or in such space in a position to prevent convenient access thereto.

Protection of workmen in drifts.

22. Where a drift extends from a shaft in any direction on a level, a safe passage way and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

Protection of workmen from falling cage, etc.

23. Where a shaft is being sunk below a level from which material is being hoisted in the same shaft, a suitable covering of rock, timber, iron, steel or other

other metal shall be provided under the hoisting compartment of the shaft immediately below the level for the protection of the workmen in the shaft; and such covering shall be sufficiently strong to withstand the shock of the loaded bucket, skip or cage falling from the highest point in the shaft.

Fencing of shafts and other openings.

24. The top of every shaft shall be securely fenced, or protected by a gate or guard rail, and every pit or opening, dangerous by reason of its depth, shall be securely fenced or otherwise protected.

Protection of shaft and winze openings in levels.

25. At all shaft and winze openings on every level, a gate or guard rail, not less than three feet or more than four feet above the floor, shall be provided and kept in place except when the cage, skip or bucket is being loaded or unloaded at such level.

Timbering.

26. Where the enclosing rocks are not safe every working or pumping shaft, adit, tunnel, stope or other working in which work is being carried on, or persons passing, shall be securely cased, lined or timbered, or otherwise made secure.

Covering mill holes in stope.

27. The top of every mill hole in a stope shall, as far as practicable, be kept covered.

Safety from water.

28. Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

*Ladder-ways.*

Foot ladder or passage in shaft to be separated from hoist.

29. The ladder or passage-way in a shaft or winze shall be separated by a closely boarded partition from the compartment or division of the shaft or winze in which the material is hoisted.

Ladders and platforms.

30. A suitable footway or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft, and every such ladder shall have a substantial platform at intervals of not more than twenty feet, and shall not be fixed for permanent

manent use in a vertical or overhanging position, and all ladders in shafts shall project at least two feet above the platform, and all holdfasts shall be of iron, securely fixed in the shaft casing. The platform shall be closely covered, with the exception of an opening large enough to permit the passage of a man's body, and shall be so arranged in vertical or steeply inclined shafts and winzes, that it would not be possible for a person to fall from one ladder through the opening to the ladder below.

*Raising or Lowering Persons.*

When persons not to be hoisted.

31. No person shall be lowered or hoisted, or allow himself to be lowered or hoisted, in a shaft, winze or other underground opening of a mine:

In buckets or skips.

(*a*) In a bucket or skip, except that men employed in shaft sinking shall be allowed to ascend and descend to and from the nearest level or other place of safety by means of the bucket or skip used for hoisting material, but there shall always be a suitable ladder in the shaft to provide an auxiliary means of escape. (As amended in 1909, 9 Edw. VII. c. 17, s. 4.)

When safety appliances not used.

(*b*) In a cage or skip, except as provided in clause *a*, which is not provided with a hood, dogs and other safety appliances approved by the Inspector;

When detaching hooks not used.

(*c*) In a cage or skip where a detaching hook or other device approved by the Inspector to prevent overwinding in mines of upwards of 1,000 feet vertically in depth are not provided;

Where proper indicators not used.

(*d*) Where no indications other than marks on the rope or cable are used to show to the person who works the machine or hoisting engine the position of the cage in the shaft;

Where cable does not pass through proper sheave.

(*e*) Where the rope or cable passes through blocks instead of passing over a sheave of a diameter suited to the diameter of the rope or cable and properly mounted on a secure head-frame.

The

The owner of every mine shall post and maintain at the mouth of the shaft or other conspicuous place a printed copy of this rule, and where the same has been posted and maintained in case of an accident occurring as a result of a violation of this rule the owner shall not be liable for damages except upon proof that he has permitted or authorized the employment of means herein prohibited for raising and lowering workmen in a mine, or that a suitable manway has not been provided. Printed copy of rule to be kept posted.

32. Whenever a mine shaft exceeds four hundred feet in vertical depth, a safety cage shall be provided, kept and used for lowering and raising men in the shaft, unless otherwise directed in writing by the Inspector. Safety cages in shafts over 400 feet deep.

*Shaft Equipment, Etc.*

33. All cross heads must be provided with a safety appliance so constructed that the cross head cannot stick in the shaft without also stopping the bucket. (Added in 1909, by 9 Edw. VII. c. 17. s. 5.) Crossheads to be provided with safety appliance.

34. Skipways shall be provided with back timbers to prevent skips leaving the track where such skipways are inclined at more than 60 degrees from the horizon, unless otherwise directed in writing by the Inspector. Skipways.

35. Hoisting with horse and pulley-block is forbidden where the depth of a shaft is more than seventy-five feet. Hoisting with horse and pulley-block.

36. No open hook shall be used in hoisting or lowering. Open hooks not to be used.

37. On the drum of every machine used for lowering or raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping. Slipping of rope on drum.

38. To every hoisting machine used for lowering or raising persons or material there shall be attached a brake adequate to hold at any point in the shaft the weight of the skip, bucket, or other vessel used when filled with ore, and in any shaft of greater depth than two hundred feet there shall Brake.

also be in addition to any mark on the rope or cable a geared indicator which will show to the person who works the machine the position of the cage or load in the shaft.

Riding on loaded cars, etc.

39. No person shall ride upon or against any loaded car in any level, drift or tunnel in or about any mine.

*Scaling, Escapement Shafts, Etc.*

Daily examination.

40. The manager or captain or other competent officer of every mine shall examine at least once every day all working shafts, levels, stopes, tunnels, drifts, crosscuts, raises, signal apparatus, pulleys and timbering in order to ascertain that they are in a safe and efficient working condition, and he shall inspect and scale, or cause to be inspected and scaled, the walls and roofs of all stopes or other working places at least once every week, and shall enter the record of such scaling operations in a book kept for that purpose in the mine office. (As amended in 1909 by 9 Edw. VII. c. 17, s. 6.)

Record to be kept of all scaling operations.

Escapement shafts.

41. Every person who has sunk in any mine a vertical or inclined shaft to a greater depth than 100 feet, and who has drifted a distance of 200 feet or more from the shaft and has commenced to stope, shall provide and maintain, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft or opening. Such auxiliary exit shall not be less than 50 feet from the main hoisting shaft and shall not be covered by any inflammable structure. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced, and shall be diligently prosecuted until the same is completed, and the escapement shaft or opening shall be continued to and connected with the lowest workings in the mine. The escapement shaft or opening shall be of sufficient size to afford an easy passage way, and shall be provided with good and substantial ladders from the deepest workings to the surface. With the exception of any erection used solely as a shaft-house, no permanent building, for any purpose, shall be erected within fifty feet of the mouth of a mine, unless there is such an auxiliary exit.

Buildings not to be erected nearer than 50 feet to the mouth of a mine.

No

No boiler shall be installed in any building within 50 feet of the mouth of any shaft.

Provided that where the timber and wood in the hoisting shaft of a mine are constantly wet, and in the opinion of the Inspector it is not necessary for the safety of the workmen that the escapement shaft or opening be continued to and connected with the lowest workings, he may in writing so certify, and thereupon such requirement shall not apply to the said mine, but the Inspector may require any other precautions to be taken which he may deem necessary.

Old timber to be removed.

42. All timber not in use to sustain the roof or walls or any part of a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Storing oils, etc.

43. All oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the powder magazine and from the main buildings, and shall be removed therefrom for use in such quantities only as are necessary to meet the requirements of one day.

*Signals.*

Signalling.

44. Every working shaft which exceeds 50 feet in depth, unless otherwise permitted in writing by the Inspector, shall be provided with some suitable means of communicating by distinct and definite signals from the bottom of the shaft and from every level for the time being in work between the surface and the bottom of the shaft, to the hoist room.

Code of signals.

45. All methods of signalling in a mine shall be printed and posted up in the engine house or hoist house and also at the top of the shaft and at the entrance of each level.

The following code of mine signals shall be used at every mine:—

*Code of Mine Signals.*

| | |
|---|---|
| 1 bell ..... | Stop immediately—if in motion. |
| 1 bell ..... | Hoist. |
| 2 bells..... | Lower. |
| 3 bells..... | Men about to ascend or descend. |
| | The 3-bell signal must be given before men enter cage, which must not be moved until the "Hoist" or "Lower" signal is given and then slowly. |
| | 4 bells |

4 bells..... Blasting signal. Engineer must answer by raising bucket, skip or cage a few feet and letting it back slowly, then one bell, hoist men away from blast.

9 bells..... Danger signal in case of fire or other danger. Then ring number of station where danger exists.

Special signals in addition to the above may be used at any mine, if they have been approved by the Inspector.

Who may use signals

46. No person but the cage tender shall ring the signal bell, and the signal to move the cage, skip or bucket shall be given only when the same is at the level from which the signal is to be given.

*Protection from Machinery.*

Railing or casing when required

47. Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates shall be enclosed with a substantial railing or casing.

Uneven projections to be covered

48. Every key, bolt, set-screw, and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered.

Runways, etc., used for oiling to have hand rail

49. Every runway, stair and staging used for oiling or other purposes more than five feet from the floor shall be provided with hand-railing.

Protection of entrances

50. Every entrance to any elevator, hatchway or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate.

Wearing loose clothing

51. Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing.

Frogs in tracks

52. Every frog in a track, either above or below ground, on which cars are moved by mechanical power shall have a guard block of wood or iron.

Gongs, etc. on hauling engines

53. Every locomotive engine, trolley or motor car used for hauling material either above or below ground shall be equipped with a gong, bell or whistle, which shall be sounded when starting and at such other times as warning of danger may be required.

54.--

54.—(1) Every steam boiler used for generating steam in or about a mine shall, whether separate or one of a range— Steam boilers.

(*a*) Have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler; Safety valves.

(*b*) Be inspected by a competent person, not an employee of the owner or agent, at least once in every twelve months; and a certified copy of the report of the Inspector shall be forwarded to the Inspector within seven days; Inspection.

(*c*) Be cleaned out and examined internally, as far as the construction of the boiler will permit, by the person in charge of it, at least once in every three months. Cleaning.

(2) Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. Maintenance.

*Dressing Rooms.*

55. If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of pure cold and warm water for washing shall be provided above ground near the principal entrance of the mine, and not in the engine room or boiler room, for enabling the persons employed in the mine to conveniently dry and change their clothes. Dressing room.

*Aid to Injured.*

56. At every mine where six or more men are employed in underground work, a properly constructed stretcher shall be kept for the purpose of conveying to his place of abode any person who may be injured while in the discharge of his duties at the mine. Stretchers for conveyance of injured persons.

57. A supply of articles suitable for first aid shall be kept accessible at every mine for the treatment of anyone injured, including the following:—antiseptic gauze, carbolated vaseline, sponges, Supplies for first aid.

soap,

soap, carbolic acid, tablets of bichloride of mercury, linseed oil, bandages, towels and a wash basin.

Antidotes and washes.

58. At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced there shall be kept in a conspicuous place as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled, and explicit directions for their use affixed to the boxes containing them.

*Prevention of Dust.*

Removal of dust.

59. In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal.

Keeping water supply to lay dust.

60. Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.

Time for blasting.

61. The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke.

Shields for protection against burning.

62. Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them as far as possible from being burned with molten material.

*Use of Electricity.*

*Definitions.*

"Pressure."

63. The word "pressure" in this and the following rules down to and including rule 95, shall mean the difference of electrical potential between any two electrical conductors.

"Low pressure system."

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth, at the terminals where the electrical energy is being used does not

normally

normally exceed 250 volts, this shall be deemed a low pressure system.

"Medium pressure system."

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth, at the terminals where the electrical energy is being used normally exceeds 250 volts, but does not normally exceed 600 volts, this shall be deemed a medium pressure system.

"High pressure system."

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth, at the terminals where the electrical energy is being used normally exceeds 600 volts, this shall be deemed a high pressure system. 1 Geo. V. c. 10.

*Construction of Apparatus.*

Requirements as to electrical apparatus and conductors.

64. All electrical apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and, so far as is reasonably practicable, efficiently covered or safeguarded and so installed, worked and maintained as to reduce the danger to person or property through accidental shock or fire to the minimum, and shall be of such construction, and so worked, that the rise in temperature, caused by ordinary working, will not injure the insulating materials. 1 Geo. V. c. 10.

Transformers in separate buildings.

65. A transformer for transforming a high pressure to a medium or low pressure shall be placed in a separate fireproof compartment, used only for that purpose. 1 Geo. V. c. 10.

Higher than medium pressure, when prohibited.

66. A higher pressure than a medium pressure shall not be used for portable motors nor for any other purpose underground. 1 Geo. V. c. 10.

Thawing explosives.

67. Electric energy shall not be used directly to thaw explosives. 1 Geo. V. c. 10.

Limit of pressure on motor.

68. No motor outside a machine or motor room shall be operated at a pressure exceeding the limits of medium pressure. 1 Geo. V. c. 10.

Insulating material

69. Main and distribution switch and fuse boards must be made of incombustible insulating material, such as marble or slate, free from metallic veins, and be fixed in as dry a situation as practicable. 1 Geo. V. c. 10.

Safety in construction.

70. All electric switches, controllers, motor-starting devices or other apparatus essential to the operation of electric motors or other equipment shall be constructed in such a way that they may be safely used for the purposes for which they are intended, and shall be maintained in such condition. 1 Geo. V. c. 10.

*Insulation and Grounding.*

Wires and conductors to be enclosed and grounded

71. Where a medium-pressure supply is used for power purposes or for arc lamps in series, the wires or conductors forming the connections to the motors, transformers, arc lamps, or otherwise in connection with the supply, shall be, as far as is reasonably practicable, completely enclosed in strong armoring or metal casing efficiently grounded to earth, or they shall be fixed at such a distance apart, or in such a manner that danger from fire or shock may be reduced to a minimum. This rule shall not apply to trailing cables. 1 Geo. V. c. 10.

When only medium pressure may be used

72. No higher pressure than a medium pressure supply shall be used other than for transmission or for motors, and the wires or conductors to the motors or transformers or otherwise in connection with the supply shall be completely enclosed in a strong armoring or metal casing efficiently connected with earth, or they shall be fixed at such a distance apart or in such a manner that danger to person or property from fire or shock shall be reduced to a minimum. 1 Geo. V. c. 10.

Metallic coverings, etc., to be grounded

73. All metallic coverings, armoring of cables, and the frames and bed-plates of generators, transformers and motors other than portable motors shall, as far as is reasonably practicable, be efficiently grounded. 1 Geo. V. c. 10.

Insulators for overhead bare wires

74. Overhead bare wires on the surface must be efficiently supported upon insulators and be clear of any traffic, and be provided with efficient lightning arresters. 1 Geo. V. c. 10.

Cables used in shafts.

75. All cables used in shafts for the transmission of electrical energy must be highly insulated and substantially fixed. Shaft cables not capable of sustaining their own weight shall be properly supported at intervals according to the weight of the cable. 1 Geo. V. c. 10.

Insulation of low pressure wires.

76. Low pressure wires for lighting or signal circuits shall either be conveyed in metallic conduits or casings, or suspended from or securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used. If metallic conduits are used they must be grounded, and if not electrically continuous every section must be grounded. If separate uncased wires are used they shall be kept at least three inches apart and not brought together except at lamps or fittings. 1 Geo. V. c. 10.

Precautions against contact of electric conductors.

77. All proper precautions must be taken to prevent electric, signal or telephone wires coming into contact with other electric conductors, whether insulated or not. 1 Geo. V. c. 10.

*Switches, Fuses and Cut-Outs.*

Fuses and automatic cut-outs.

78. Fuses and automatic cut-outs shall be so constructed as effectually to interrupt the current when a short circuit occurs, or when the current through them exceeds the normal working current by 100 per cent. Fuses shall be stamped or marked or shall have a label attached indicating the current with which they are intended to be used, or where fuse wire is used each coil in use shall be so stamped or labelled. Fuses shall only be adjusted or replaced by an authorized person. 1 Geo. V. c. 10.

Covering live parts of switches, etc.

79. All live parts of switches, fuses and cut-outs, not in machine rooms, or in compartments specially arranged for the purpose, must be covered. The covers must be of incombustible material and must be either non-conducting or of rigid metal, and as far as practicable, clear of all internal mechanism. 1 Geo. V. c. 10.

*Trolleys*

*Trolleys and Portable Apparatus.*

Trolley wires in underground roads.

80. In underground roads the trolley wires shall be placed as close to the side as practicable, and in a straight line, and securely supported at frequent intervals. In all roads where it is necessary for men to travel on foot, all wires, except signal wires, must be placed on the same side of the roadway and efficiently protected. Signal wires should, where practicable, be placed on the opposite side of the roadway from other wires. 1 Geo. V. c. 10.

Protection of wires.

Protection of wires.

81. At all landings, turn-outs, partings or crossings, or other places where it is necessary for men to pass near the wires, a suitable protection shall be placed around the wires, or the pressure must be cut off when such places are used for travelling on foot. Sufficient illumination to make the wires plainly visible shall be provided at all points where men are liable to come in contact with power wires. 1 Geo. V. c. 10.

Illumination.

Automatic trolley switch or section insulator.

82. Every branch trolley shall be fitted with an automatic trolley switch or section insulator and line switch, or some other device that will allow the pressure to be cut off from such trolley when not actually in use. Danger signals, consisting of no fewer than two red lights in parallel, and as many in series as may be necessary, shall be connected at suitable intervals to all branch trolley circuits to indicate when the current is on. A notice shall be posted at the entrance to all roadways carrying exposed power wires, warning persons against the dangers of carelessly carrying metal tools such as drills, picks, etc., which may come in contact with the wires. 1 Geo. V. c. 10.

Danger signals.

Trolley wires on surface roads.

83. On roads above ground the trolley wires shall be at least 8 feet above the rail level and efficiently guarded. 1 Geo. V. c. 10.

Trailing cables.

84. A trailing cable shall be especially flexible, heavily insulated and protected with extra stout braiding or other equally effective covering, and in the event of its breaking down or being damaged, or of its inflicting a shock upon any person, it shall at once be put out of service, and shall not be used again until it has been repaired and tested by the mine electrician. 1 Geo. V. c. 10.

85.

85. The person in charge of an electric drilling machine shall not leave the machine while it is working, and shall see that the pressure is cut off from the trailing cables before leaving the working place. 1 Geo. V. c. 10. Electric drilling machine.

*Supervision and Working of Apparatus.*

86. A competent person shall be in charge of the electrical apparatus or machinery when it is in use at the mine, and at such time as the amount of electrical energy delivered down the mine exceeds 150 kilowatts, a competent person shall also be in charge below ground. Every person operating or having charge of any electric apparatus shall have been instructed in his duty and be competent for the work that he is set to do. 1 Geo. V. c. 10. Competent person to be in charge.

87. No person shall wilfully damage, interfere with or without proper authority remove or render useless any electric line, or any machine, apparatus or part thereof used in connection with the supply or use of electricity. 1 Geo. V. c. 10. Damaging or interfering with machinery, etc.

88. No person, other than a person authorized by the owner, manager or superintendent, shall enter a machine transformer or motor room or interfere with the working of any machine, transformer, motor or apparatus connected therewith, and when the authorized person is not present the door of such room shall be kept securely locked. 1 Geo. V. c. 10. Unauthorized persons not to go into transformer rooms, etc.

89. The machines, apparatus and lines shall be so marked as to clearly indicate that they are high pressure. 1 Geo. V. c. 10. Marking high pressure appliances.

90. A sufficient number of fire buckets filled with clean, dry sand shall be kept in electrical machine rooms ready for immediate use in extinguishing fires. 1 Geo. V. c. 10. Fire buckets of sand to be kept.

91. No repair or cleaning of live parts of any electrical apparatus or work in dangerous proximity thereto, except mere wiping or oiling, shall be done when the current is on. 1 Geo. V. c. 10. Repairs, etc., when current is on.

92. Gloves, mats or shoes of India rubber or other insulating material, shall be supplied and used where the live parts of switches, machines or other India rubber gloves, mats or shoes to be used.

other apparatus working at a pressure exceeding the limits of low pressure have to be handled for the purpose of adjustment. 1 Geo. V. c. 10.

*Shot Firing.*

Using electricity for firing shots

93.—(1) Electricity from lighting or power cables shall not be used for firing shots, except when a special firing plug, button or switch is provided, which plug, button or switch shall be placed in a fixed locked box, and shall only be accessible to the authorized shot firer. 1 Geo. V. c. 10.

Connection and disconnection

(2) The firing cables or wires shall not be connected to this box until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired. 1 Geo. V. c. 10.

Precautions in using shot-firing cables

94. When shot-firing cables or wires are used in the vicinity of power or lighting cables, sufficient precautions shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables. 1 Geo. V. c. 10.

*Exemptions.*

Continuing use of present appliances

95. Notwithstanding anything contained in these rules, any electrical plant or apparatus installed or in use, on or before the twenty-fourth day of March, 1911, may be continued in use, unless the inspector shall otherwise direct. 1 Geo. V. c. 10.

*Damage to Property.*

Wilful damage

96. No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange horn brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act.

*General.*

Persons under the influence of or carrying liquor

97. No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion.

98. There shall always be enforced and observed by the owner and the agent of a mine, and by every manager, superintendent, contractor, captain, foreman, workman and other person engaged in or about the mine, such care and precaution for the avoidance of accident or injury to any person in or about the mine as the particular circumstances of the case require; and the machinery, plant, appliances and equipment and the manner of carrying on operations shall always, and according to the particular circumstances of the case, conform to the strictest considerations of safety. General duty as to using care.

*Posting up Rules.*

99. Instructions and rules required by this Act to be posted in or about a mine, shall be written or printed in the English language and also in such other language as may be necessary to inform any considerable number of workmen employed at the mine, and the owner or agent of the mine shall maintain such instructions and rules, duly posted, and the removal or destruction of them shall be an offence against this Act. 6 Edw. VII. c. 11, s. 205. Instructions and rules to be posted.

**19**. Section 166 of the said Act is amended by inserting after the word "shall" in the first line thereof the words "without right or authority." 8 Edw. VII., c. 21, s. 166, amended.

**20**. Section 168 of the said Act is repealed and the following substituted therefor:— 8 Edw. VII., c. 21, s. 168, repealed.

168.—(1) Where, in or about any mine, whether above or below ground, any accident occurs which causes,— Accidents causing

(*a*) Loss of life to any person employed in or about the mine, or Death or

(*b*) Fracture or dislocation of any of the bones of the body, or any other serious personal injury, to any person employed in or about the mine,— Serious injury.

the owner, agent, manager or superintendent of the mine shall within twenty-four hours next after the accident, send notice in writing of the accident, and of the loss of life or personal injury occasioned thereby, to the Deputy Minister, in such form and accompanied by such particulars as may be prescribed by him. To be reported to Deputy Minister.

Serious

"Serious personal injury," meanings of

"Serious personal injury" shall mean such an injury as in the opinion of the attending physician may result in the injured person being incapacitated for work for at least seven days.

Accidents

(2) Where in or about any mine,

Overwinding

(*a*) any case of overwinding a skip or cage;

Breakage in cables

(*b*) any breakage of a rope or cable used for hoisting;

Inrush of water.

(*c*) any inrush of water from old workings or otherwise;

Fire below ground

(*d*) any outbreak of fire below ground; or

Explosions.

(*e*) any premature or unexpected explosion occurs,

whether or not loss of life or personal injury is caused thereby, the owner, agent, manager, or superintendent shall within twenty-four hours next after the occurrence send notice in writing to the Inspector, and shall furnish such particulars in respect thereof as may assist the Inspector in making inquiry into the circumstances.

Notice to Inspector.

8 Edw. VII. c. 21, s. 183, amended.

**21**. Section 183 of the said Act is amended by adding thereto the following subsection:—

Cancelling lien for wages.

(2) Where satisfied that any claim for lien recorded under or by reason of this or the next preceding section is made or recorded improperly or for the purpose of embarrassment the Commissioner may cancel and remove the same.

8 Edw. VII. c. 21, s. 171, subs. 3, amended.

**22**. Subsection 3 of section 171 of the said Act is amended by substituting the word "January" for the word "March" in the 6th line thereof.

Time for filing plans of workings

8 Edw. VII. c. 21, s. 174

**23**. Section 174 of the said Act is repealed and the following substituted therefor:

Offences against Part IX

174. "Noncompliance with any rule contained in section 164 or with any other provision of Part IX shall be an offence against Part IX. of this Act, of which the owner and the agent of the mine and every manager, superintendent, captain, foreman, workman and other person engaged in or about the mine shall each be guilty.

**24.**

**24.** Section 175 of the said Act is repealed and the following substituted therefor:— 8 Edw. VII c. 21, s. 175, repealed.

175. Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the rules and provisions of Part IX and shall in any case of noncompliance therewith be guilty of an offence and punishable in like manner as if he were owner or agent. Liability of contractors and sub-contractors.

**25.** Subsections 1 and 2 of section 179 of the said Act are each amended by striking out the words "or agent" in the first line thereof and substituting the words "agent, manager, superintendent or captain," and subsection 5 of said section 179 is amended by striking out the words "owner, agent or other" in the fifth line thereof. 8 Edw. VII., c. 21, s. 179, subs. 1, 2, amended. Penalty for breach of Part IX.

**26.** Section 180 of the said Act is amended by striking out the last 5 lines thereof and substituting the following: "No person not being the actual offender shall be liable in respect of such offence if he proves that he did not participate in the contravention of the rule or provision for a breach of which he is charged and that he was not to blame for such breach and that according to his position and authority he took all reasonable means in his power to prevent such breach and to secure compliance with the rules and provisions of Part IX." 8 Edw. VII. c. 21, s. 180 amended. When person not actual offender not liable.

**27.** Section 180 is further amended by adding thereto the following subsection:— 8 Edw. VII. c. 21, s. 180, amended.

(2) The burden of showing that the observance or carrying out of any rule contained in section 164 was not deemed by the Inspector to be reasonably practicable, shall be upon the accused, but it may be proved by a certificate from the Inspector or by his evidence given at the hearing. Onus of proof that compliance with rules not practicable.

*Obtaining Rights and Easements to Facilitate the Working of Mines.*

**28.** The following is added to the said Act as section 186*a*. 8 Edw. VII. c. 21, amended.

186*a*. Where required for or in connection with the proper working of a mine, mill for treating ore, or quarry, the owner, lessee or holder of it or the person entitled to work the same, may, subject as hereinafter provided, obtain and have vested in him by order or award of the Commissioner made after hearing such parties interested as may appear, or on appeal from him; What rights over other lands may be conferred by Commissioner.

(a)

Construction of ditches, tunnels, etc., for water

(*a*) The right to open, construct, put in, maintain and use ditches, tunnels, adits, pipes, conduits, flumes and other works through, over or upon any lands for the drainage, conveyance or passage of water;

Discharging water on lands

(*b*) The right to discharge water upon any lands or by, through or into any existing means of drainage, whether natural or artificial;

Draining or diverting waters in streams, etc.

(*c*) The right to drain off, lower or divert the water of any lake, pond, river, stream or watercourse, or any other water, notwithstanding that the same or part thereof may be on the lands of or owned by any other person or that any other person may have rights or interests in or to such water or the use thereof;

Storing water, flooding

(*d*) The right to collect and dam back water, notwithstanding that it may overflow other lands;

Right to take water

(*e*) The right to take or divert and use for or in connection with the working of his own mine or quarry and bring thereto for such use any specified water, and to construct and maintain dams and other works and do all other things necessary or convenient therefor;

Rights of way for roads, tramways, aerial tramways, etc.

(*f*) Rights of way or passage through or over any lands or water, and the right to construct, improve, maintain and use suitable roads, tramways aerial tramways, channels, waterways, passages and other means of transit and transportation upon, through or over any land or water, together with such other rights of entry upon and use of lands and waters as may be necessary or convenient therefor;

Transmission of electricity

(*g*) The right to transmit electricity or any other kind of power, or have it transmitted, through or over any lands or water in any form or manner and to do everything necessary or convenient therefor;

Entering upon and using other lands

(*h*) The right to enter upon and use for or in connection with the working of his own mine or quarry a specified area of other lands.

Disposal of waste products

(*i*) The right to deposit tailings, slimes or other waste products upon any lands, or to discharge the same into any water, the effect of such deposit or discharge not being injurious to life or health.

Compensation

(2) No such right shall be granted unless any injury or damage caused to any other person thereby can be adequately compensated

compensated for, nor unless in all the circumstances it seems reasonable and fitting to grant the same; and in the exercise of any right so granted no unnecessary injury or damage shall be done to the lands, property, rights or interests of other persons, and all injury and damage which may be caused to any person by the granting and exercise of any right obtained under this section shall be fully compensated for.

How fixed.

(3) The order or award granting the right shall fix such compensation, or shall provide for the ascertainment thereof and shall contain any provisions that may be deemed proper for securing the same and for protecting the rights and interests of any person whose lands, property, rights or interests are affected or endangered, and if deemed proper may require the applicant to make grants or concessions to or construct works or do any other thing for, or for the benefit of, any such person or his lands or property, and such order or award may in all cases be upon such terms and may grant the right upon such conditions and for such time as may be deemed meet.

Material to be filed on application.

(4) In every application for such an order or award the applicant, in addition to anything else required or directed, shall file in duplicate with the Commissioner a clear and precise statement of the right or rights being applied for, of the lands or property affected, and the owner or owners thereof so far as the same can be ascertained, a map or plan of the locality showing the lands and waters involved, and definite and detailed plans and specifications of the works or things proposed to be constructed or done; and for the purpose of preparing the same the Commissioner may authorize the applicant, his engineers and assistants, to enter upon the lands of any other person and make such examinations and measurements as may be necessary, and such statement, map or plan, and plans and specifications may, by order be amended or altered or modified at any stage of the proceedings. The Commissioner may give directions as to the notice to be given to the parties interested, the time and manner of service, and the particulars to be furnished to such parties respectively.

Rights conferred to run with the lands.

(5) All rights and benefits, and burdens and obligations, created under this section shall run with and be appurtenant and incident to the mine, quarry, mining lands, mining rights and the other lands, property, rights and interests in respect of which they are created.

Application to patented lands.

(6) This section shall apply to and against patented, as well as unpatented lands, rights and interests, whether owned or held by a corporation or company or a mining or other partnership or by a private person, but nothing contained

therein or done thereunder shall, without the consent of the Minister, affect any Crown lands or any public interest.

Commissioner may change order or award

(7) The commissioner for good cause shown and on such terms as may seem just, may by subsequent order or award at any time change, supplement, alter, vary or rescind any order or award made under the authority of this section.

Rights not to be exercised until after expiration of time for appeal

(8) Rights granted under this section shall not be exercised until the time for appealing from the order or award granting the same has expired, or, where an appeal is entered, until the appeal is disposed of, but from and after such time, subject to any restriction or postponement provided for in the order or award, the person to whom any such right is granted may enter upon any lands or property and exercise the right so granted, and any person who after such time obstructs the exercise of any such right or wilfully neglects or refuses to obey any order or award made under this section shall be guilty of an offence against this Act, and, in addition to any other liability, shall incur a penalty not exceeding $250, for each day such obstruction, neglect or refusal continues.

Offence and penalty

3 Edw. VII. c. 21, schedule of fees amended.

**29.** Item 21 of the schedule of fees of *The Mining Act of Ontario* is amended by striking out all the words after "boring permit" in the third line thereof and substituting therefor the words "power of attorney, revocation of power of attorney, copy of writ of execution, discharge of execution, or any other instrument affecting any recorded claim, right or interest, per claim" and by substituting "$2" for "$3."

Items 15, 26 and 28 of the said schedule are each amended by adding at the end thereof the words "per claim."

Items 13 and 14 are each amended by adding at the end thereof the words "Fee to be for Recorder's own use."

The following is added to the said schedule as Item 37:

37. "For abstract or copy of entries in Record Book respecting any mining claim, per claim 25 cents."

4 Edw. VII. c. 21, amended.

**30.** The said Act is amended by adding thereto the following section:—

Sale or lease of mineral rights under roads.

192*a*. —(1) The corporation of any county, or township in that part of the Province lying south of the French River, Lake Nipissing and the River Mattawan wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon or under any roads over which the township or county has jurisdiction, if considered expedient so to do. 3 Edw. VII. c. 19, s. 657 (1); 4 Edw. VII. c. 22, s. 30 (1).

(2)

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering the by-law. No sale or lease till after notice.

(3) The deed of conveyance or lease to the purchaser or lessee under the by-law, shall contain a proviso protecting the road for public travel, and preventing any user of the granted rights which would interfere with public travel. 3 Edw. VII. c. 19, s. 657 (2-3). Sale or lease not to interfere with public travel.

(4) In the remaining portions of the Province the mines, minerals and mining rights in, on or under all common and public highways and road allowances shall be and are hereby vested in His Majesty, His Heirs and Successors, and may be sold, leased or otherwise disposed of under this Act. Where any mining location or mining lands adjoin a common and public highway or road allowance, and the mineral vein or deposit thereon extends into or under the said highway or road allowance, the owner or owners thereof shall have the right to purchase or lease the mines, minerals and mining rights in, on or under the same, subject to the provisions of this Act, or where there are mining locations or mining lands on both sides of such highway or road allowance the said rights shall accrue to the owner or owners on both sides thereof as respects the half of the said highway or road allowance adjoining his or their lands. This subsection shall not apply to highways on lands heretofore granted by the Crown under this Act, or in the grant whereof the mines and minerals were not reserved to the Crown. In northern part of Province.

(5) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any user of the granted rights which would interfere with public travel unless and until a road in lieu thereof has been provided and accepted by the municipality or municipalities having control of the said road. 4 Edw. VII. c. 22, s. 30 (2). Patent or lease to protect public travel.

(6) Subsections 4 and 5 shall in no wise affect any rights acquired from or any agreement made or entered into with any municipality under this Previously acquired rights preserved.

section

section hereby amended prior to the 1st day of May, 1904. 4 Edw. VII. c. 22, s. 30 (3).

5 Edw. VII. c. 19, s. 657; 4 Edw. VII. c. 22, s. 30, repealed.

**31**. Section 657 of *The Consolidated Municipal Act, 1903*, as amended by section 30 of *The Municipal Amendment Act, 1904*, is repealed.

CHAPTER

## CHAPTER 9.

### An Act to amend the Act to Encourage the Refining of Metals in Ontario.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of Section 2 of *The Metal Refining Bounty Act* is amended by striking out the word "Five" where the same appears in the last line of the said subsection, and substituting therefor the word "ten." **Bounties extended for ten years from passing of Act.**

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CHAPTER

# CHAPTER 10.

## An Act respecting certain Lands under The Land Titles Act where the ores, mines and minerals have been reserved to the Crown.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Geo. V. c. 28, amended.

**1.** The following is added to *The Land Titles Act* as section 94 (*a*):—

Title to minerals not to pass until owner entered on land register.

94.—(*a*) (1) In case of lands registered under this Act no title to any ores, mines or minerals shall be held to have passed or shall pass under section 3 of *The Mines Act of 1892*, or under section 3 of *The Act respecting Mines*, being chapter 36 of The Revised Statutes of Ontario, 1897, or under section 3 of *The Act to amend the Mines Act*, passed in the 63rd year of the reign of Her late Majesty Queen Victoria, until the registered owner shall have had himself entered as owner of such ores, mines or minerals, or until his transferee or chargee shall have procured the Master to make the entries authorized by subsection 3.

63 Vict. c. 13.

Certificate of Minister or Deputy when required.

(2) In case of lands registered under *The Land Titles Act* no title to any ores, mines or minerals shall be held to have passed or shall pass under Chapters 16, 17 and 18 of the Acts passed in the 8th year of the reign of His late Majesty King Edward VII., until the registered owner shall have furnished to the proper Master of Titles a certificate of the Minister of Lands, Forests and Mines or of a Deputy Minister, that the same were at the time of the passing of the said Acts the property of the Crown and had not been staked out, recorded, leased or granted under *The Mining Act of Ontario* passed in the said year

8 Edw. VII. c. 21.

year of His said Majesty's reign, or under any statutory regulation previously in force, and until such owner shall have had himself registered as owner of the mines, ores or minerals or his transferee or chargee shall have procured the Master to make the entries authorized by the next subsection.

Transfers or charges heretofore made.

(3) If any registered owner of lands shall have assumed to transfer or charge any mines, ores or minerals reserved by the Crown and coming within the said Acts, the transferee or chargee may furnish to the said Master the certificate of the Minister or Deputy Minister as above provided, and shall have the right to apply to be registered as such transferee or chargee and the said Master may make all proper entries in order to define the interests of the persons then appearing to be entitled to the mines, ores or minerals or any interest therein.

Claims against assurance fund barred.

(4) No claim shall be sustained against the Assurance Fund in respect of any right arising under any of the said Acts by reason of any dealing with any ores, mines or minerals which were prior to the passing of such Act subject to the reservation thereof to the Crown.

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CHAPTER

## CHAPTER 11.

An Act to amend The Act to aid in the Improvement of Public Highways.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

$1,000,000 set apart for road improvements.

**1.** The sum of $1,000,000 is hereby set apart out of the Consolidated Revenue Fund to aid in the improvement of public highways.

To be in addition to former appropriation.

**2.** The said sum shall be in addition to any sum heretofore set apart for the like purpose, and shall be applied as provided by *The Act to Aid in the Improvement of Public Highways,* passed in the Seventh year of the reign of His late Majesty King Edward VII., chapter 16, and amendments thereto, and subject to the same terms and conditions as the fund set apart by that Act.

7 Edw. VII. c. 16, s. 1, amended.

**3.** Section 1 of the said Act is amended by striking out the figures "$1,000,000" in the first line, and substituting therefor the figures "$2,000,000."

7 Edw. VII. c. 16, amended.

**4.** Section 2 of the said Act is amended by adding thereto the following subsections:

County to appoint road superintendent.

(4*a*) The Council of every county in which road improvements are undertaken under this Act shall by by-law designate an engineer or some other competent person subject to approval by the Minister of Public Works to act as county road superintendent under the direction of the Council.

Grant not to be made until after appointment.

(4*b*) No grant shall be made to any county under this Act until subsection 4*a* has been complied with.

Foreman or Inspector.

(4*c*) The County Road Superintendent shall place some competent person as foreman or inspector

in

in charge of any work which it is impossible for him to personally oversee, and it shall be the duty of the foreman or inspector to see that the work is properly carried out.

(4*d*) No member of the council of the county and no member of the council of any local municipality in the county shall be appointed or act under subsections 4*a* or 4*c* or be employed by the county road superintendent in any capacity, and any such member who is appointed, or who acts or is employed in contravention of this subsection shall be disqualified from sitting or voting in the council of which he was a member at the time of his appointment or employment. Members of councils not to be appointed.

**5.**—(1) The treasurer of every county shall, before the first day of March in each year, make up and transmit to the Minister of Public Works a detailed and audited statement of all expenditure upon, or in connection with, county roads or bridges for the next preceding calendar year. Annual statement to Minister.

(2) The statement shall be in such form as the Minister of Public Works may direct. Form of statement.

(3) The treasurer shall forthwith publish the statement at least once in a newspaper published in the county town. Publication.

(4) The clerk of the county shall procure not less than one hundred copies of the statement and shall deliver or transmit by post one of such copies to each of the electors who shall first make request for the same. Distribution of copies of statement.

**6.**—(1) Section 6 of *The Act for the Improvement of Public Highways*, is amended by adding after the word "may," in the second line of the said section the words "from time to time pass by-laws to." 7 Edw. VII. c. 16, s. 6, amended. Issue of debentures.

(2) The amendment made by subsection 1 shall be deemed to have been in force on and from the first day of January, 1911. Amendment retroactive.

(3) Section 6 of the said Act is amended, by inserting after the words "payable in," in the second line thereof, the words "not more than." 7 Edw. VII. c. 16, s. 6, amended.

(4) Section 6 of the said Act is further amended by adding thereto the following:— 7 Edw. VII., c. 16, s. 6 (2), amended.

"Or the Council instead of raising money by debentures may provide the money required out of County funds, or by an annual County rate in the manner authorized by *The Municipal* Raising money by general rate instead of debentures.

*Municipal Act*, and all the provisions of this Act shall apply to any moneys heretofore or hereafter so provided as fully as if debentures had been issued, whether a By-law transferring such moneys to a special account under this Act has or has not been passed."

4 Edw. VII. c. 19.

7 Edw. VII., c. 16, s. 12, repealed.

**7**. Section 12 of the said Act is repealed and the following substituted therefor:—

Highways to be County Highways.

"12. All highways designated and assumed by a County Council in accordance with section 2 of this Act, except as in subsection 3 of section 2 otherwise provided, shall be maintained and kept in repair by the Corporation of the County in which such roads are situate, and in all cases of doubt or dispute as to what constitute works of maintenance or repair, and what constitute works of construction and the purchase and maintenance and repair of road machinery, plant and equipment, properly chargeable under this Act, the decision of the Minister of Public Works shall be final; provided that after the expiration of three years from the final construction and completion of the county system of roads, which shall be so declared by the Minister of Public Works, the County Council may, with the approval of the Lieutenant-Governor in Council and of two-thirds of the minor municipalities in the County expressed by By-law, declare that such system of County Roads shall, on the 1st of January following, revert to the local municipalities in which the same are situate, and such roads shall thereafter be maintained in the same manner as township roads.

Proviso.

Roads revert to townships.

Where improved highway ceases to be important.

**8**. Where it is found by the Minister of Public Works that any highway assumed by the County Council under the said Act, has ceased to be, or for some other reason is not of sufficient importance to be constructed and maintained as a county road, such road or section thereof may be struck off the approved plan of county roads, by the Lieutenant-Governor in Council, and such road or section thereof shall thereupon revert to the local or township municipality in which the same is situate.

7 Edw. VII. c. 16.

**9**. *The Highway Improvement Act* is amended by inserting therein the following section:—

Arrangements for construction or improvement of object-lesson roads.

8*a*.—(1) The Minister of Public Works may arrange with the corporation of any local municipality for the construction or improvement therein of an object-lesson or experimental road, or of more than one such road.

(2)

(2) The Minister may lay out, construct, improve and complete any such road and *The Public Works Act* shall apply to anything done by him under this Act. Application of. 10 Edw. VII. c. 11.

(3) The cost of material, labour, special engineering or other services, plant, machinery and equipment and the repair and maintenance of plant, machinery or equipment in or about any work undertaken by the Minister under this section or incidental thereto, shall be paid out of the fund set apart under this Act, upon the certificate of the Minister and for that purpose accountable cheques may from time to time be issued against such fund in favour of the Minister, upon his requisition therefor. Cost of work.

(4) A road shall not, by reason of its having been constructed or improved under this Act, become or be the property of the Crown, but every such road after its construction or improvement shall be under the jurisdiction of the council of the municipality in which it is situate, and shall be maintained and kept in repair in the same manner as other roads in the municipality. Road to be maintained by municipality.

**10.** Subsection 1 of section 3 of *The Highway Improvement Act,* is repealed and the following substituted therefor:— 7 Edw. VII. c. 16 s. 3 (1) amended.

(1) The corporation of a county shall not be entitled to receive any aid under this Act, unless the by-law providing for the improvements in respect of which aid is to be granted has been approved by the Lieutenant-Governor in Council. Approval of county by-law by Lieutenant-Governor in Council.

**11.** The Lieutenant-Governor in Council shall have authority to enter into agreement with the Governor in Council or with any member of His Majesty's Privy Council for Canada acting for and on behalf of the Governor in Council for the application to the cost of highway improvement under this Act, of such subsidy or subsidies, or any part of such subsidy or subsidies as may be appropriated for highway improvement by the Parliament of the Dominion of Canada, and the Lieutenant-Governor in Council shall have authority to vary the proportionate amounts to be paid to or by municipalities under this Act, by reason of such subsidy or subsidies, and may vary the conditions under which payment shall be made for construction, repair, or maintenance, in accordance with such agreement. Authority to enter into agreement with Dominion Government.

**12.**

Contribution of cities, etc., to improvement of county roads

**12.** When any highway leading to, or adjacent to any city or town separated from the county is widened, strengthened, reconstructed or otherwise improved or requires the expenditure of a greater amount for maintenance and repair to meet the requirements of increased, heavy, constant or other extraordinary traffic to and from such city or town, beyond the requirements which, but for the existence of such city or town, would be deemed those of a standard highway for the locality, the corporation of such city or town by by-law passed with the assent of at least two-thirds of the members of the council thereof may agree with the corporation of the county to contribute such additional cost, or a proper proportion of the cost, or that the amount of the contribution of such city or town shall be determined by arbitration under *The Consolidated Municipal Act, 1903,* and may, without the assent of the electors, provide by by-law for the issue of debentures payable in not more than twenty years from the date of the issue thereof to raise the amount agreed upon or awarded, or may agree with the corporation of the county for the payment of such amounts in annual instalments to be raised by annual special rate upon the rateable property in the city or town.

Assuming main roads as county roads and assessing townships specially benefited.

**13.** The council of any county may assume as a county road under this Act, any main or leading road or roads through or within such county, and where such road or roads do not serve all townships equally, the county council may, with the approval of the Minister of Public Works, omit from assessment any township or townships through which such road or roads do not pass, or may assess any or each township through which such road or roads pass for a larger or smaller amount in order to equitably assess the cost; or the council of any county in which a system of roads is established may, upon the application of a township council, and with the approval of the Minister of Public Works, levy a special rate upon the township for the construction, improvement or maintenance of the county road or roads within such township.

Short title to 7 Edw. VII. c. 16.

**14.**—(1) The said *Act to aid in the Improvement of Public Highways* may be cited as *The Highway Improvement Act.*

To 8 Edw. VII. c. 23.

(2) The Act passed in the eighth year of the reign of His late Majesty King Edward the Seventh, chaptered 23, may be cited as *The Highway Improvement Act, 1908.*

To 10 Edw. VII. c. 14.

(3) The Act passed in the tenth year of the said reign, chaptered 14, may be cited as *The Highway Improvement Act, 1910.*

(4)

(4) The Act passed in the first year of the reign of His present Majesty, chaptered 11, may be cited as *The Highway Improvement Act, 1911.* To 1 Geo. V. c. 11.

(5) This Act may be cited as *The Highway Improvement Act, 1912.* To present Act.

CHAPTER

## CHAPTER 12.

### An Act respecting aid from the Dominion of Canada for Highway Construction.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, has empowered the Governor in Council to grant to any Province certain sums of money by way of subsidy, in aid of the improvement of existing highways or bridges, or the construction of new highways or bridges, and has authorized the Minister of Railways and Canals, with the approval of the Governor in Council, to enter into an agreement with the Government of any Province, setting forth the descriptions, conditions and specifications under which such subsidies are granted:—

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1**. This Act may be cited as "*The Highway Subsidy Act.*"

Agreement with Dominion as to acceptance of subsidy.

**2**. The Minister of Public Works of Ontario, with the authority of the Lieutenant-Governor in Council, may enter into an agreement with the Minister of Railways and Canals for Canada, setting forth the terms upon which any subsidy or subsidies for highways and bridges shall be accepted, and prescribing the descriptions, conditions and specifications under which such subsidy or subsidies shall be expended.

Subsidy not to form part of the Consolidated Revenue Fund.

**3**. Such subsidy or subsidies shall not form part of the Consolidated Revenue Fund, but all monies received in respect thereof, shall, subject to the said agreement, be from time to time set apart by the Lieutenant-Governor in Council, for the proper purposes, and shall be paid out in the same manner as if such monies had been appropriated by the Legislative Assembly.

CHAPTER

# CHAPTER 13.

## An Act to amend The Temiskaming and Northern Ontario Railway Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 5 of *The Temiskaming and Northern Ontario Railway Act,* is repealed, and the following substituted therefor: 7 Edw. VII. c. 18. s. 5, amended.

5. The location of the line of the railway and of all branches and the plans of all works proposed and the by-laws of the corporation shall be subject to approval by the Lieutenant-Governor in Council. Location of line and plans to be approved by Lieutenant-Governor in Council.

**2.** The said Act is amended by inserting therein the following section: 7 Edw. VII. c. 18, amended.

5*a*.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations, fixing the fares and tolls to be charged for all traffic carried upon the railway. Fixing fares and tolls for traffic.

(2) The regulations of the Commission heretofore made, fixing such fares and tolls, and not heretofore altered or amended by the Commission shall be binding upon all persons, whether such regulations have or have not been expressly approved by the Lieutenant-Governor in Council, but the Lieutenant-Governor in Council may at any time alter, amend or repeal any such regulations. Regulations heretofore made confirmed.

3.

Certain agreements validated

**3.** The agreements made the first day of December, 1911, between the Temiskaming and Northern Ontario Railway Commission and the Grand Trunk Railway Company of Canada, and the agreement made the first day of December, 1911, between the said Commission and the Canadian Express Company, set out in Schedules "A," "B" and "C" respectively to this Act, which agreements were approved by Order in Council dated the 12th day of February, 1912, are confirmed and declared to be legal, valid and binding upon the parties thereto.

Branch from Earlton to Elk Lake authorized

**4.** The Temiskaming and Northern Ontario Railway Commission is authorized to construct, maintain and operate a branch line of the said Railway from Earlton station on the main line in a westerly direction to a point at or near Elk Lake, and all the provisions of *The Temiskaming and Northern Ontario Railway Act* shall apply to the construction of such branch line as if it had been authorized by the said Act.

SCHEDULE "A."

THIS AGREEMENT MADE THE FIRST DAY OF DECEMBER, A.D. 1911.

BETWEEN—

The Temiskaming and Northern Ontario Railway Commission, hereinafter called "the Commission,"

—and—

The Grand Trunk Railway Company of Canada, hereinafter called "the Grand Trunk."

Witnesseth that it is agreed between the said parties as follows:—

The expression "joint section" shall mean: (1) The terminal yards of the Commission at North Bay, and (2) That portion of the Railway of the Commission extending from such terminal yards to the crossing of the Railway of the Commission at or near Cochrane Station by the Eastern Division of the National Transcontinental Railway, which parcels (1) and (2) are shown in red on the plans marked respectively (A) and (B) attached to and forming part of this Agreement and identified by being signed by the Chief Engineer of the Commission and by the Chief Engineer of the Grand Trunk. The said expression "joint section" shall be deemed to include all right of way, tracks, side tracks, bridges, stations, ticket offices, waiting rooms, dining rooms, freight sheds, warehouses, engine houses, car houses and sheds, weigh scales, turntables, water tanks, water plants, coal chutes, switches, stockyards, semaphores, signals and all other buildings and structures of any nature whatsoever erected or constructed upon the lands and premises comprised within either of said parcels (1) and (2) with all appurtenances, fixtures, plant, furniture, fittings, utensils and articles located upon or appertaining to or used in connection with the said lands and premises, and also such lands and premises and such buildings, improvements, facilities, additions and extensions as may in accordance with and pursuant to the provisions of this

agreement

agreement be hereafter required, erected, provided or made for the purposes of the joint section and to enable the parties hereto to fully perform and carry on their business as herein contemplated. Provided, however, that the said expression shall not include the repair shops and store buildings of the Commission at North Bay and Englehart.

In consideration of the compensation hereinafter mentioned and of the covenants and agreements hereinafter contained, the Commission has granted and by these presents doth grant unto the Grand Trunk, its successors and assigns, for the period and upon the conditions hereinafter specified the right jointly and equally with the Commission of using and enjoying the joint section with its appurtenances, and of having the business and traffic of the Grand Trunk done in and about any and all of the stations and premises comprised within the joint section, together with a full and unrestricted and unencumbered use in common with the Commission of the joint section, including all tracks from time to time comprised within the joint section or used in connection therewith and the right to make all such track connections with the joint section as may be required for the purposes of this agreement.

To have and to hold the said rights and privileges unto the Grand Trunk, its successors and assigns, for the period of twenty-one years from the day on which the Grand Trunk begins to use the joint section, paying as compensation therefor to the Commission, its successors and assigns, the fixed yearly sum of three hundred thousand dollars, and from time to time further sums equal to four and one-half per cent. of one-half of all expenditures for betterment of the joint section which have since the first day of July, 1911, or which shall hereafter during the continuance of this agreement, be made by the Commission with the approval of the Grand Trunk as hereinafter provided, which compensation shall be payable in equal sums monthly on the twentieth day of every month in each year, or a proportionate sum for any fractional part of a month, the first payment to be made on the twentieth day of the month next following the month on which the Grand Trunk begins to run its trains over the same.

These presents are made and entered into upon and subject to the provisions and conditions hereinafter expressed and contained, for the due performance and observance of all of which on the part of each of them to be done and performed the Commission and the Grand Trunk bind themselves and each of them respectively, their successors and assigns, that is to say:

1. The Grand Trunk shall during the continuance of this agreement pay to the Commission the said compensation in the manner and at the times hereinbefore mentioned without any deduction whatsoever save for the reasons and on account of the happening of any contingency hereinafter mentioned; all payments to be made to the Commission in gold of the present standard of value or its equivalent in Canadian currency, at the offices of the Commission in Toronto.

2. The Commission shall at all times keep up and maintain in good repair and in a thorough efficient working condition the joint section and all appurtenances thereto or to be enjoyed in connection therewith, and shall also supply and properly equip and at all times keep equipped all stations and other buildings, the right and privilege of using which is included in this grant with the requisite furniture, plant, tools and equipment. The joint section shall be kept and maintained at a standard equal to that portion of the Grand Trunk Railway between Nipissing Junction and Toronto.

3. Subject to the terms and conditions of these presents the Grand Trunk shall for all purposes of its business and traffic have under the reasonable rules and regulations of the Commission free and unlimited access to and the free and unlimited use as the same are now or may at any time hereafter be had and enjoyed by the Commission of all stations, depots, freight and ticket offices, freight sheds, baggage rooms, dining rooms, warehouses, engine houses, car houses and sheds, fuel sheds, water tanks and other buildings and structures comprised within the joint section and all fixtures, plant, furniture and fittings appertaining thereto, as well as all weighing scales, baggage and freight trucks and other articles or utensils.

4. If any of the said buildings, accommodations or facilities or anything appertaining thereto be destroyed by fire or other casualty either in whole or in part the Grand Trunk shall have no claim against the Commission for damages on account of loss of accommodation but shall have, free of any charge other than the aforesaid compensation, a proportionate share of such accommodation as the Commission may be able to provide for the purpose of its business and traffic and of the new accommodation so soon as the same may be provided, and except as may from time to time be otherwise agreed upon between the parties the reconstruction of such buildings and the providing of accommodation in accordance with the former design and to the same extent as previously shall be proceeded with by the Commission at its own cost with all reasonable despatch. All buildings and erections and all furniture and equipment forming part of or comprised within the joint section shall be insured against loss or damage by fire so far as this can be done and the cost of so doing shall be part of the working expenses hereinafter referred to. Neither party shall be required or be liable to insure any property of the other party, nor save as aforesaid shall the working expenses include any outlay on account of insurance.

5. Except where otherwise herein provided the parties hereto shall have and enjoy in all respects equal rights upon and to the use of the joint section and the trains of the Grand Trunk shall in every respect be treated by the officers, agents and employees in charge or control of, or engaged upon the joint section, as trains of a similar class of the Commission and shall equally have preference over trains of an inferior class belonging to either of the parties, the superior class trains being in all cases given preference over trains of an inferior class. The Grand Trunk shall have a right to run over the joint section of all classes of trains, passenger, mixed, freight and other trains. In case of doubt between the trains of the Commission and the trains of the Grand Trunk of the same class, the trains of the Commission shall under the established rules have the preference. The main tracks of the joint section shall as far as practicable be kept unobstructed for the use of the regular trains of both parties.

6. The schedule for the arrival and departure of the trains of the parties hereto at and from North Bay and at and from the junction with the Eastern Division of the National Transcontinental Railway at or near Cochrane and at and from intermediate stations on the joint section shall be fixed from time to time by agreement between the proper officers of the parties hereto, having due regard to the necessity on the part of the Grand Trunk to make such through train schedules with the Grand Trunk Pacific Railway Company as will enable those Companies to meet competition. Reasonable notice of any desired change in such schedule shall be given by the proper official of the Grand Trunk to the proper officer of the Commission, who shall thereupon make and furnish as far as it is practicable a proper and satisfactory schedule or time card for the movement of all trains of both parties on the joint section. All schedules shall give equal rights to the trains of both parties

of

of a similar class as provided by clause 5 hereof. In preparing such schedules and fixing the speed of the trains of the Grand Trunk any reasonable request of the officials of the Grand Trunk made from time to time shall be given effect to. In the event of any dispute arising as to any schedule the matter in dispute shall if the parties fail to agree, be referred for determination to arbitrators appointed in the manner hereinafter provided. When the trains of the Grand Trunk are running behind time their movements shall be directed and controlled in the same manner as trains of a similar class of the Commission when out of schedule time.

7. The joint section, subject to the general control of the Commission, shall be in charge of the Superintendents of Traffic and of Maintenance appointed by the Commission and who shall be acceptable to and approved by the Grand Trunk and be subject to dismissal for good cause upon the written demand of the Grand Trunk. They shall have superintendence over the management and operation of the joint section and over all persons from time to time employed thereon or engaged in any service or duty connected therewith. The powers and duties of each such Superintendent shall be clearly defined by the Commission and shall be exercised and performed in a reasonable and just manner as between the parties and without discrimination or preference in favor of or against either. The Superintendents will comply with and carry out any instructions given by the proper officer of the Grand Trunk in regard to the movement of its trains, engines or cars, or the handling of its traffic, so far as it is practicable so to do, due regard being had to the rights of the Grand Trunk under this agreement. They shall within the scope of the defined powers conferred upon them respectively, have the control of all subordinate officers and employees engaged in or about the operation, maintenance, renewal and repair of the joint section and subject to the terms hereof, also have control of all enginemen, trainmen and other employees of either of the parties while engaged in the handling of trains, cars or engines upon the joint section. Any officer or employee from time to time employed in the operation, maintenance, repair or upkeep of the joint section shall, upon the written request of the Chief Executive officer of the Grand Trunk, be removed for cause.

8. Except as herein otherwise provided, the engines, cars and trains of the Grand Trunk shall be manned exclusively by employees of the Grand Trunk, who shall while upon the joint section be subject to the rules and regulations hereinafter provided for and be under the direction of the Superintendent of Traffic of the Commission so far only as the movements of the engines, cars and trains are concerned. The rules and regulations for the running and working of trains and for the guidance and conduct of all employees of either or both parties while running over or being upon the joint section and making use in common of the tracks, buildings and appurtenances thereof, and so far as practicable all rules governing the use of the joint section of all police regulations generally shall be those prescribed by the Commission for the government of its own employees. Special rules applicable to the joint section and due to the requirements of this agreement may from time to time be agreed upon by the Executive Officers of both parties hereto and shall thereupon be enforced by the proper officers, but no such rules shall interfere in any way with the full enjoyment of the rights of either of the parties hereunder.

9. The Commission shall construct the necessary switch connection or connections between the tracks of the Commission and those of the Eastern Division of the National Transcontinental Railway at the point as indicated on the plan attached hereto and the cost thereof and all expenses of and incidental to the maintenance, operation, repair and renewal thereof shall be included in and form part of working expenses under this agreement.

10. The Superintendents of the Commission respectively having charge of the maintenance and operation of the joint section and all train despatchers, station agents, clerks, telegraph operators, station baggagemen, switchmen, signalmen, gatemen, flagmen, bridge-tenders, trackmen and all others employed upon or engaged in the maintenance, repair or renewal of the joint section or any part thereof or in controlling the movement of trains over the same (but not including enginemen or trainmen in the exclusive employ of one of the parties hereto) and generally all agents or employees whose salaries or wages in whole or in part are included in the working expense account hereinafter provided for shall, though paid by the Commission in the first place, be deemed to be joint agents or employees of both parties hereto and shall render equally to each party and with strict neutrality such service as they may be called upon to render or should render within the scope of their respective positions or employment and shall be subject to dismissal if they decline, neglect or refuse to render such assistance and service to the Grand Trunk as such employees are usually called upon to render, or be or become incapable to fully and satisfactorily perform their respective duties or for other good cause shown by the Grand Trunk to the Commission. Every request of the Grand Trunk under this clause shall be fully and justly dealt with by the Commission and any decision of the Commission in respect thereof shall be subject to appeal to arbitrators appointed as hereinafter provided.

11. The expenses chargeable to the maintenance and repair of the joint section herein referred to as "working expenses" shall be payable by the Commission in the first instance and shall include:

(*a*) The cost of repairs and renewals of tracks and structures comprised within and forming part of the joint section and required for the proper maintenance thereof including in the cost transportation (not at tariff rates but at the rate of five mills per ton per mile) of all materials required therefor and the labor incidental thereto. Provided that the market value during the month in which the same are released of the rails, iron and other materials renewed or replaced shall be credited to working expenses. Provided further that any additional cost of rails due to an increase in the rolled weight of the new rails over that of the old shall be charged to capital account.

(*b*) The cost of maintenance of any works for the protection of the public and the trains and cars of the parties hereto respectively at highway or railway crossings on the joint section where protection may be required by law or where it may be deemed necessary by the parties hereto.

(*c*) The cost of maintenance and operation of the switches connecting the joint section tracks with those of the Eastern Division of the Transcontinental Railway at or near Cochrane and with the line of the Commission between North Bay and Nipissing Junction to be constructed under the terms of a certain other agreement between the parties hereto dated the first day of May, 1911, including the cost of the maintenance and operation of any interlocking plant or protective appliances, if any, in connection therewith payable by the Commission.

(*d*) The cost of the maintenance of any works carried out in pursuance of the orders of any legally constituted authority affecting the joint section or any part thereof.

(*e*) Insurance premiums if any payable in respect of structures on the joint section.

(*f*) The cost of fuel and supplies furnished for, and the proper wages of the crews engaged in, operating switching engines on

Portion (1) of the joint section and at Englehart and in the making up of trains as provided in paragraph 34; the entire salaries, wages and expense accounts of all officers and employees engaged exclusively in the maintenance, repair and renewal of the joint section or in controlling the movements of engines and trains over the same (not however including enginemen and trainmen in the exclusive employ of either party); a fair proportion of the salaries and wages of all such employees as may be partially or occasionally engaged in such work and in respect of general supervision, a reasonable proportion of the salaries and expense accounts of the Commissioners and of the salaries, wages and expense accounts paid by the Commission to its Superintendents of Traffic and of Maintenance having charge of the joint section and to its Secretary and Auditor and to the staffs of such Superintendents, Secretaries and Auditor, which staffs shall include subordinate officers; such proportions to be from time to time adjusted between the parties as the conditions may warrant, or failing adjustment, to be determined by arbitrators appointed as hereinafter provided.

12. Accounts called "Terminals working expense account" and "Main track working expense account" shall be kept by the Commission and monthly statements rendered to the Grand Trunk as early in each month as reasonably possible showing separately in such detail as is reasonable and proper the working expenses for the preceding month of portions (1) and (2) of the joint section. Provided however that the working expenses of Englehart yard shall be shown separately and be divided upon the same basis as the working expenses of portion (1). Such statements shall as to portion (1) of the joint section include, in addition to such other details as are reasonable and proper, particulars:

(*a*) Of every car which formed part of any train and of the locomotive hauling such train which arrived at and of every car which formed part of any train and of the locomotive hauling such train which departed from portion (1) of the joint section or from Englehart yard during the preceding month each car and each locomotive being counted once on arriving at and once on leaving North Bay or Englehart yard as the case may be; provided however that any empty car entering portion (1) of the joint section or Englehart yard for the purpose of taking up passengers or leaving the same after discharging passengers or the engine or engines moving the same shall not be counted, and provided also that cars forming part of through trains and not set out at portion (1) of the joint section or at Englehart yard shall be counted but once; every revenue switch movement to be counted as one car.

(*b*) Of the total number of tons of freight handled in and out of the freight house or freight shed (including transfer platform) at North Bay during the preceding month, showing separately the number of tons so handled for each of the parties hereto.

(*c*) Of the total number of engines despatched from the engine houses at North Bay and Englehart respectively during the preceding month, showing separately the number of engines so despatched for each of the parties hereto.

13. The Grand Trunk shall within sixty days of the receipt of such statements respectively pay to the Commission as its proportion of the working expenses of portion (1) (including Englehart yard) of the joint section during the preceding month as follows:

(*a*) Such proportion of the cost of maintaining and operating the said engine houses at North Bay and Englehart respectively, during the preceding month as the number of engines despatched for the Grand Trunk from such engine house during such month bears to the total number of engines despatched therefrom, during such month.

(*b*) Such proportion of the cost of maintaining and operating the freight shed at North Bay during the preceding month as the number of tons of freight handled in and out of the freight shed (including transfer platform) for the Grand Trunk during such month bears to the total number of tons of freight handled in and out of said freight shed (including transfer platform) during such month.

(*c*) Such proportion of the working expenses (as hereinbefore defined) incurred in connection with the station yard and tracks included in portion (1) of the joint section and Englehart yard respectively, during the preceding month as the number of cars arriving at and of cars departing from North Bay and Englehart yard respectively in the trains of the Grand Trunk during such month and using the said yards and counted in accordance with the provisions of the preceding clause shall bear to the total number of cars so counted arriving at and of cars departing from North Bay and Englehart yard respectively during such month and using the joint yards.

14. The Grand Trunk shall within sixty days of the receipt of such statements respectively pay to the Commission in respect of portion (2) of the joint section such proportion of the working expenses shown as having been expended in respect of portion (2) of the joint section during the preceding month as the total engine and car miles made upon said portion (2) of the joint section during the month covered by such statement by the engines and cars of all classes, both loaded and empty, comprised in the trains of the Grand Trunk, shall bear to the total engine and car miles made upon said portion (2) of the joint section during the preceding month by all engines and cars of all classes both loaded and empty.

15. The accounts referred to in the preceding paragraph may be rendered by delivering the same to the General Auditor of the Grand Trunk at Montreal or to such other officer as may be designated to the Commission by the Grand Trunk from time to time or by sending the same through the Post Office, postage prepaid, addressed accordingly.

16. From time to time and at all times during the continuance of this agreement the Commission will allow proper inspection by the officers and agents of the Grand Trunk of all pay-rolls, books, accounts, returns and vouchers for the purpose of checking or verifying accounts rendered by the Commission to the Grand Trunk in pursuance of this agreement. The Grand Trunk shall have the right from time to time to employ an Auditor to investigate the accuracy of any such account or accounts and the Commission shall at all times afford proper facilities for such investigation. Neither the acceptance of any such account or accounts nor the payment thereof by the Grand Trunk shall prejudice its right to an audit or verification, and if upon such audit or verification or at any time it shall be found that the Grand Trunk has paid or allowed to the Commission any sum or sums of money which under the provisions of this agreement it is not liable to pay or which should not have been allowed the Grand Trunk shall be entitled to demand and collect such sums.

Provided, however, that the Commission shall not be bound to accept the rulings of any such Auditor employed by the Grand Trunk and that in case the parties cannot agree as to any such questions of account the same shall be determined under the provisions for arbitration hereinafter contained.

17. Each party will allow the other proper inspection by its agents of all books, accounts, returns, vouchers and reports relating thereto for the purpose of checking and verifying any and all accounts which shall be rendered by the party against whom inspection is sought in respect of any loss, injury or damage which the last

named

named party may suffer or sustain and which under the terms hereof is to be assumed or borne in whole or in part by the party seeking inspection and also for the purpose of checking and verifying all statements and returns of the number of engines and cars of either of the parties transported on or over the joint section or any part thereof and the tonnage handled in the terminal yard or the engines using the engine houses or of ascertaining any information or particulars to which the other party shall be entitled hereunder.

18. The Grand Trunk shall be entitled to carry on through and interchanged express business on the joint section upon the terms of such agreement in respect thereto as shall be entered into between the Commission and the Canadian Express Company and shall be entitled to do freight, passenger and mail business over the joint section as follows:

(*a*) All passenger and mail business and all freight business originating on the Grand Trunk or Grand Trunk Pacific Railway or their respective connections and carried over the joint section on the trains of the Grand Trunk for furtherance over the lines of the Grand Trunk or Grand Trunk Pacific Railway or their respective connections, shall be Grand Trunk business and shall be carried at rates lawfully fixed by the Grand Trunk irrespective of the Commission and all revenue therefrom shall belong to the Grand Trunk.

(*b*) All other business which under the terms of this agreement the Grand Trunk is authorized to carry on on the joint section is agreed and declared to be local business of the Commission and the right of the Grand Trunk to carry on the same is subject to its being carried on so far as the joint section is concerned at the rates lawfully fixed by the Commission irrespective of the Grand Trunk.

(*c*) Subject as aforesaid the Grand Trunk shall be entitled to transport in its trains over the joint section and to deliver at North Bay, Cochrane or any intermediate point on the joint section all cars containing freight originating on the Grand Trunk or Grand Trunk Pacific Railway or their respective connections consigned to North Bay, Cochrane or to any one intermediate point on the joint section or to any point or points on branch lines connecting with the joint section; and to receive at North Bay, Cochrane and intermediate points and to transport in its trains over the joint section or any part thereof cars containing freight consigned to points on the lines of the Grand Trunk or Grand Trunk Pacific Railway or their respective connections; provided that such freight shall be carried subject to the payment by the Grand Trunk to the Commission in respect thereof of twenty-five per cent. of the rates from time to time lawfully fixed by the Commission as aforesaid as payable for the carriage of such freight over the joint section or the portion thereof over which such freight shall be so carried by the Grand Trunk in its trains; provided further that this shall not be construed as entitling the Grand Trunk to do what is commonly known as local way freight business, and provided further that on portion (2) of the joint section the Grand Trunk shall not be required to place cars at freight houses or on private sidings or on public team tracks when in their judgment such work would cause objectionable delay to Grand Trunk trains but this work shall in such event be done by the engines and cars of the Commission.

(*d*) Subject as aforesaid the Grand Trunk shall be entitled to carry on its passenger trains passenger traffic and mails reaching North Bay via Grand Trunk Railway or Cochrane via Grand Trunk Pacific Railway for carriage to local points on the joint section or *vice versa* and passenger traffic and mails originating at Cochrane for carriage to North Bay without stop over or *vice versa* subject to the payment by the Grand Trunk to the Commission in respect thereof of twenty-five per cent. of the revenue received by the Grand Trunk for such mail service and twenty-five per cent. of the rates

from time to time lawfully fixed by the Commission as payable for the carriage of such passenger traffic over the joint section or the portion thereof over which such passenger traffic shall be so carried by the Grand Trunk upon its trains.

(c) Subject as aforesaid the Grand Trunk shall further whenever it shall be impracticable to prevent the carriage of such traffic on its trains be entitled to carry on its passenger trains:—

(1) Passenger traffic and mails reaching joint section by the Canadian Pacific Railway Company or by any carrier other than the Grand Trunk or the Grand Trunk Pacific Railway Company for carriage to any point on the joint section, including Cochrane and North Bay;

(2) Passenger traffic and mails originating at North Bay or at Cochrane destined to any point on the joint section and *vice versa;*

(3) Local passenger traffic and mails between points on the joint section.

Subject to the payment by the Grand Trunk to the Commission of seventy-five per cent. of the revenue received by the Grand Trunk for such mail service and seventy-five per cent. of the rates from time to time lawfully fixed by the Commission as payable for the carriage of such traffic over the joint section or the portion thereof over which such passenger traffic shall be so carried by the Grand Trunk upon its trains; provided, however, that if the Commission shall at any time by written notice request the Grand Trunk to carry any such passenger traffic or mails upon any specified passenger train or trains of the Grand Trunk, the revenue received by the Grand Trunk for such passenger and mail service so carried on such specified train or trains shall, until the withdrawal in writing of such request be divided as follows: twenty-five per cent. thereof to the Commission and seventy-five per cent. thereof to the Grand Trunk.

19. The Commission shall at all times keep on sale at all stations on the joint section or other agencies for the sale of tickets an adequate supply of tickets of the issue of the Commission for all points on the Grand Trunk, its allied lines and connections, and the baggage of passengers using any such tickets from a point on the joint section shall be checked through to destination.

20. Each of the parties hereto assumes all responsibility for accidents or casualties upon or to its own trains and to its passengers, freight and employees, by reason of any imperfection of the tracks or misplacement of switches by its own or a joint employee or by strangers and for damages for live stock killed or injured or by reason of injuries that may occur to persons walking upon the track or at highway crossings (if any liability therefor) or from any other cause (aside from or except collision between the trains of the parties hereto or the negligence of an exclusive employee of the other party) and no such accident or casualty shall give either party a right of action or claim against the other, it being the intention and design that each party shall be responsible for its own trains, passengers, freight and employees for the conduct of its own and joint employees as regards such trains, passengers, freight and employees, and generally, except when the other party or its exclusive employees are at fault.

21. In case of injury to persons or property not in transit upon the trains of either party or of any damage by fire to the joint section or lands adjoining the same caused by or resulting from the operation of the trains of such party upon the joint section the party at fault shall without regard to the physical condition of the joint section or its appurtenances pay the full amount of the liability;

provided

provided that in the event of its being impossible from want of evidence or otherwise to fix the liability in any such case upon one of the parties hereto the amount of such liability, including all costs, shall be apportioned between and assumed and borne by the parties in the proportion for each that the number of its cars passing over the joint section at the point where the damage or injury occurred during the current month in which such damage or injury happened bears to the whole number of cars of both parties passing over such point during such current month; provided further however that the Commission shall not be bound to contribute toward any loss or damage or costs which the Grand Trunk shall sustain or be put to by reason only of any statutory liability irrespective of negligence at any time lawfully imposed upon the Grand Trunk but not so imposed upon the Commission. In the event of loss, damage or injury occurring or being caused to persons or property upon or by the trains of either party the proper officer of the party upon or by whose trains such loss, damage or injury occurred or was caused shall settle the same and in all such cases of settlement any release executed shall be so made as to include and free and discharge both of the parties hereto from all further liability to the claimant.

22. In all cases of collision between the trains of the parties hereto the party whose employees or trains are at fault and were or shall be found to have been the occasion of the collision shall be responsible to the other party for all damages caused by or resulting from such collision, but in case the proper officers of the parties hereto are unable to agree as to which was at fault or as to the cause of the collision, or as to the amount of the damage done, the questions arising in respect thereto shall be referred to arbitration in the manner hereinafter provided for the settlement of differences and disputes and the party hereto which shall be found responsible shall idemnify, save harmless and defend the other from and against all claims, costs and proceedings resulting from or growing out of such fault, and the party so adjudged liable to pay the other any damages in respect thereof shall abide by and forthwith perform and comply with the award of the arbitrators which shall in all cases be final and shall terminate the controversy between the parties.

23. All loss or damage to person or property upon the trains of either of the parties hereto caused by the negligence or fault of any joint agent or employee of the parties hereto in the course of his employment shall be borne and paid by the party upon whose train such loss or damage occurs, but this clause shall not give to any third party any claim or cause of action.

24. The parties hereto respectively shall indemnify, save harmless and defend each other from all loss, damage or injury which either party agrees hereunder to assume, and from all claims, costs and proceedings resulting from and arising out of or payable by reason of any such loss, damage or injury and in case proceedings be commenced against either party hereto for any loss, damage or injury which the other agrees hereunder to assume or bear, the party proceeded against may give notice thereof to the other and thereupon such other party shall at once assume the defence of such proceedings and save the party proceeded against harmless from all loss and costs. In case proceedings are commenced against both parties for loss, damage or injury which is to be assumed or borne by one of them, such one shall assume the defence of such proceedings and save the other party hereto harmless from all loss and costs. In case proceedings are commenced against one party hereto for loss, injury or damage, for which both parties are liable to contribute hereunder, the other party shall join or assist in defending and any costs and damages awarded shall be borne in the proper proportion provided for hereunder according to the circumstances.

25. In the event of the destruction of or damage to any of the tracks, depots, bridges, culverts or other structures on the joint section as a result of the carelessness or by reason of the negligence of one of the parties hereto, the expense (in excess of the amount of insurance received) of replacing or renewing the property of the same general character as that destroyed shall be entirely paid by the party at fault; provided that in case by consent of both parties any new work substituted for that damaged or destroyed shall be of a better character than the old and can be considered as a betterment, so much of the cost as would restore the property to its former condition shall be paid by the party at fault as above provided and the balance of the cost shall be added to capital account subject to the payment by the Grand Trunk of a sum equal to interest at the rate of four and one-half per cent. per annum upon one half thereof during the continuance of this agreement as hereinbefore provided. The cost of all betterments exceeding the sum of two hundred dollars, or of additional works such as second main track, side tracks, etc., on the joint section made by the Commission because of increased traffic for the more economical operation of trains, or under the provisions of any statute, order or by-law binding upon the Commission, shall be added to and included in the capital account upon one-half of which the Grand Trunk shall pay a sum equal to four and one-half per cent. per annum as aforesaid. All individual betterments costing two hundred dollars or less shall be charged as part of working expenses. For the purpose of this clause any work or structure of a permanent character which at any time during the continuance of this agreement is constructed pursuant to the direction or order of any Board or authority duly constituted under the laws of the Dominion of Canada or of the Province of Ontario or pursuant to the provisions of any Act of the Parliament of Canada or of the Legislature of the Province of Ontario shall be regarded as a betterment and the cost thereof be added to and included in the capital account.

26. Neither of the parties hereto shall have any claim or right of action against the other by reason of any interruption or delay to traffic on the joint section by the destruction of or damage to any of the tracks, structures or facilities covered by this agreement howsoever same may be caused.

27. If any additional buildings, tracks or facilities or any betterments or improvements on the joint section or any part thereof or any additional lands therefor be in the opinion of either of the parties required for the reasonable purposes of the business of both or either of them, the parties shall consult together with a view to agreeing with reference thereto, and in case the parties agree to any such additional buildings, facilities, betterments, or improvements or additional lands, the cost thereof, less the then value of all iron and other materials replaced, shall be charged to capital account, and a sum equal to interest at the rate of four and one-half per cent. per annum on one-half of such cost shall be payable by the Grand Trunk during the continuance of this agreement as additional compensation for the rights granted hereunder. In case either party shall desire to extend the joint section or to secure additional lands and construct thereon buildings or other facilities and the other party shall decline to have such extension made on joint account, or in case either party shall desire additional buildings or facilities or to make further betterments on the joint section and the other party shall decline to have same constructed, provided or made on joint account, then such extensions may be made or such facilities provided or such construction proceeded with by the party desiring the same, and such extension, facilities or constructions shall not be deemed part of the joint section but shall belong to, and shall be maintained and operated by, and at the exclusive expense of the party making same. The Grand Trunk shall have the right to connect any track or tracks laid upon any such additional lands required by

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that Company with the tracks included within the joint section. Provided however that if the party who shall have so declined to have said extensions, constructions, facilities or betterments constructed, provided or made on joint account shall afterwards at any time during the continuance of this agreement desire to have the joint use of such extensions, constructions, facilities and betterments or any part thereof, such party shall have the right thereafter to the joint use of the same accordingly upon such terms, if the parties cannot agree, as shall be fixed by arbitration as hereinafter provided; whereupon such extensions, constructions, facilities and betterments shall be covered by such agreement between the parties or by arbitration as aforesaid and become part of the joint section and be governed in all respects by the terms of these presents so far as the same shall be applicable thereto. Provided that nothing in this paragraph contained shall entitle the Grand Trunk to construct any buildings or other structures, or to make, provide or furnish any additional facilities or betterments upon the joint section without the consent of the Commission. Provided further, however, that should the Grand Trunk at any time request the Commission to extend any passing track already constructed, or to have additional passing tracks constructed on the lands of the Commission, which the Commission shall not be willing to make or construct on joint account, the Grand Trunk shall be entitled to have such question determined by arbitrators appointed as hereinafter provided, and in case the arbitrators shall determine that any such extension or additional passing track is required, the same shall be made or constructed by the Commission and the cost thereof shall be charged to capital account or otherwise and the cost of maintenance and operation be borne in such manner as shall be proper under the provisions hereof, due regard being had to the decision of said arbitrators.

28. The Grand Trunk shall pay all mileage allowances or charges at the usual and customary rates for all cars owned by the Commission hauled by the Grand Trunk in its trains over portion (2) of the joint section and shall also be liable for and pay directly to the parties and Companies (other than the Commission) entitled thereto all per diem or mileage allowances or other compensation at the usual and customary rates for the services or detention of all cars of such other parties or Companies hauled by the Grand Trunk in its trains on the joint section. Cars will be considered as delivered by the Grand Trunk to the Commission on portion (2) of the joint section when set out of trains for unloading, and shall be considered as returned to the Grand Trunk when reported to the proper officer in charge of car movement on the joint section as ready for movement by the Grand Trunk at the same point. The Commission shall not pay or be liable for any mileage per diem charge or other compensation for the services or detention on portion (1) of the joint section of any engines or cars arriving at or leaving said portion (1) of the joint section in the trains of the Grand Trunk and not intended for delivery to the Commission, but the Grand Trunk shall pay and be liable for and hereby covenants to indemnify the Commission against any claim or claims for any mileage per diem charge or other compensation for the services or detention of such engines or cars. Provided however that in the case of cars to be delivered by the Grand Trunk to the Commission, the Commission shall assume such mileage per diem charge or other compensation from the time that the same are delivered on portion (1) of the joint section, and in case of cars to be delivered by the Commission to the Grand Trunk, the Grand Trunk shall assume such mileage per diem charge or other compensation from the time same are delivered on portion (1) of the joint section.

American Railway Association Code of Car Service Rules shall govern as to what constitutes delivery of a car.

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The Commission shall assume all per diem or mileage charges or other compensation payable upon cars engaged in revenue switching movements.

29. The Commission shall upon the request of the Grand Trunk do with all reasonable despatch all ordinary running repairs required upon the engines and rolling stock of the Grand Trunk used upon the joint section, charging therefor actual cost of materials used and labor performed in making such repairs plus ten per cent. of the cost of such material and labor. Provided that the Grand Trunk may supply its own material if it so desires.

30. If so requested by the Grand Trunk the Commission shall, subject to the limitations of its facilities, furnish daily to the engines of the Grand Trunk such amount of coal as may be necessary for such engines, and the Commission shall charge and the Grand Trunk shall pay for such coal so supplied the cost price thereof to the Commission at the point of delivery to the Grand Trunk plus ten cents per ton additional. The Commission shall further furnish daily to the engines of the Grand Trunk such water as may be necessary for such engines, the expense of the supply of water to both parties to be reckoned as part of the working expenses and to be charged and payable accordingly.

31. The Commission shall keep or have kept a statement of all supplies, coal, sand, oil, waste, tallow, etc., furnished to the Grand Trunk for its engines and cars and the Grand Trunk shall be charged the actual cost of all supplies, etc., so furnished. The term "Cost" used in this paragraph shall mean the current market price in Canada for the month in which they are furnished as shown by the invoice of such supplies plus ten per cent. to cover handling, supervision, inspection, accounting, freight charges and other incidental expenses. Provided that should the Grand Trunk desire to provide or furnish its own coal, supplies, sand, oil, waste, tallow, etc., it may do so, in which event it will be charged only the cost of handling the same. For the purpose of accounting between the Commission and the Grand Trunk the cost of transportation over the joint section by either party of fuel and supplies of all kinds for the use of the other shall, until otherwise agreed, be settled on the basis of five mills per ton per mile.

32. The Grand Trunk shall at all times have the right to the use for its locomotives of such stalls in the engine houses of the Commission as the number of engines actually engaged in the service of the Grand Trunk on the joint section may entitle that Company to use with the like accommodation and facilities in all respects as may be provided by the Commission for its own engines, the understanding being that the stalls in the engine houses of the Commission shall be allotted and be available for the use of each party in proportion to the number of engines actually engaged in the service of each party upon the joint section. It is also understood that the engines of the Grand Trunk shall while in the engine house be turned, cleaned and fitted for the road and that engine despatch shall include so far as required cleaning below running board, turning and housing and labor of coaling and watering, but that cleaning engines above running board, supplies required for cleaning engines, repairs and all supplies required for repairs, and all stores, small or large, that may be required shall be paid for at cost, which shall include cost of handling

33. The Commission shall, if requested so to do by the Grand Trunk, clean the passenger cars used in the business and traffic of the Grand Trunk upon the joint section and heat and supply them with water, ice, fuel, oil, waste and small stores, and the Company shall pay to the Commission the cost to the Commission of the material, labor, and stores so furnished. The term "Cost" used in this paragraph shall mean the current market price in Canada for the month in which they are furnished as shown by the invoice

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of such supplies and stores, plus ten per cent. to cover handling, supervision, inspection, accounting, freight charges, and other incidental expenses. The charge for labor shall be that actually paid by the Commission. Provided that the Grand Trunk may at any point or points on the joint section, or at any time or times, perform the whole or any part of the above service, with its own employees, without being liable to any charge therefor by the Commission.

34. The Commission shall provide the switch engines and crews required to perform switching service in the North Bay and Englehart yards and for making up all trains and shall be entitled to charge to working expenses a reasonable sum per month for the use of such switch engine which sum shall be exclusive of fuel and supplies required for such engine and of the proper wages of the crew, which shall be included in the working expenses of portion (1) of the joint section as provided in paragraph 11 (f). It is understood and agreed that the Grand Trunk may at its option and upon the same terms from time to time provide such engines and crews to an extent sufficient to equalize the service furnished by the Commission. Such reasonable sum shall be fixed from time to time by the parties or in case of failure to agree shall be determined by arbitration as hereinafter provided.

35. Notwithstanding anything contained in these presents the Commission shall have the right at any time and from time to time during the continuance of this agreement, to grant to any other Railway Company or Companies any right of use or otherwise with respect to the joint section or any part or parts thereof. Provided always that the same shall not impair the facilities hereby agreed to be furnished to the Grand Trunk or prevent the Grand Trunk from enjoying the use of the joint section or from operating trains over the same and every part thereof as herein contemplated. And provided further that no such right shall be granted to any other Company on more favorable terms than those hereby secured to the Grand Trunk. And it is agreed that in case the Commission shall grant any such right to any other Railway Company or Companies the Grand Trunk shall be entitled to the benefit of and credit for one-half of all rentals or other consideration in the nature of rentals received from any such other Railway Company or Companies for such rights and the proportion of working expenses payable by the Grand Trunk under paragraphs 12, 13 and 14 hereof shall thereupon be reduced proportionately.

36. All receipts and revenues for facilities afforded or for services rendered to any party other than the parties hereto or to any other Railway Company or Companies as in the preceding paragraph provided upon or in connection with the joint section shall enure to the benefit of the parties hereto in equal shares. The statements to be rendered monthly by the Commission to the Grand Trunk under paragraph 12 hereof shall show in detail such receipts and revenues and also any rentals or other consideration in the nature of rentals received from any other Railway Company.

37. Equal facilities shall be afforded upon the joint section to each of the parties for advertising their respective business and that of their connections.

38. The Commission having heretofore entered into an agreement with the Canadian Pacific Telegraph Company in respect of commercial business, which agreement expires 1st August, 1915, it is agreed that in the meantime the Grand Trunk shall have the right to use the poles and crossarms of the Commission for stringing telegraph wires, not exceeding six in number, subject to the payment to the Commission therefor of a sum to be agreed upon by the parties hereto or in the event of their failure to agree to be determined by arbitration as hereinafter provided. Provided that such wires shall be used exclusively for the railroad business of the Grand Trunk and Grand Trunk Pacific and shall not be used

directly

directly or indirectly for commercial business. It is declared to be the intention of the parties to enter into a new contract with reference to telegraph service after the expiry of the present agreement of the Commission with the Canadian Pacific Telegraph Company, but failing the making of such new agreement it is declared that the right hereby reserved to the Grand Trunk to string its wires on the poles and crossarms of the Commission shall continue during the continuance of this agreement, or until another agreement in the premises is entered into between the parties.

39. In case of any wrecks of Grand Trunk trains, engines or cars on the joint section during the continuance of this agreement the necessary clearing of the track shall be done by the Commission through its wrecking crew and appliances, and save where under the terms of these presents the Commission shall be bound to bear the loss incident to any such wreck, the actual cost thereof shall be payable by the Grand Trunk to the Commission.

40. All moneys other than the compensation aforesaid, payable by the Grand Trunk to the Commission hereunder, including proportion of freight and passenger earnings for local traffic of the Commission as hereinbefore described, the proportion of all working expenses payable by the Grand Trunk as aforesaid, the cost of all services and supplies as aforesaid for the use of telegraph poles and crossarms as aforesaid and the cost of clearing wrecks as aforesaid shall be payable by the Grand Trunk to the Commission at the office of the Commission in Toronto in gold or its equivalent as aforesaid monthly within sixty days after the delivery of statements thereof as aforesaid. The amount shown as payable by the statement so rendered shall be so paid leaving all mistakes, errors and omissions for subsequent adjustment. In reference to all payments to be made by the Grand Trunk to the Commission hereunder for compensation or otherwise time is declared to be of the essence of this agreement; and in case the Grand Trunk shall fail to make any payment or payments herein stipulated to be made when and where same shall become due and payable within sixty days after demand in writing requiring payment of the same shall have been made by the Commission to the Grand Trunk, then and in that case this agreement shall at the option of the Commission cease and be null and void, and the Commission may at once and without notice exclude and remove the trains, engines and other property of the Grand Trunk from the joint section and from every part thereof. Provided however that this clause shall not be construed as preventing either party from recovering from the other any moneys payable by the one to the other under the terms hereof.

41. It is agreed that subject to the Grand Trunk procuring within three years from the date hereof the necessary legislation authorizing the same (to which legislation the Commission hereby assents) the grant of rights and privileges hereby made shall be for the term of twenty-five years (instead of twenty-one years) from the day on which the Grand Trunk begins to use the joint section, with the option to the Grand Trunk, on its giving to the Commission not less than one year's notice in writing of its desire to secure the same, of the renewal of such rights and privileges for a further period of twenty-five years on the terms and conditions set out in these presents; Provided that the compensation in respect of such additional term of twenty-five years shall be such compensation as shall be agreed upon between the parties, or, in case of their failure to agree, as shall be fixed by arbitration, as hereinafter provided. And it is expressly agreed that such arbitration may take place at any time after the expiration of the first twenty-four years of the original term. In case such legislation shall be procured by the Grand Trunk within said period of three years from the date hereof this agreement shall thereupon be read and construed as if the said grant and privilege had been made for said period of twenty-five years instead of for the period of twenty-one years, with the option for renewal for another period of twenty-five years as aforesaid.

42. The Commission hereby covenants with the Grand Trunk that the Grand Trunk, making the payments herein agreed to be made and performing, observing and fulfilling the covenants and the terms and conditions herein contained and on the part of the Grand Trunk to be performed, observed and fulfilled, shall from time to time and at all times hereafter during the term of this agreement have and enjoy the joint use equally with the Commission of the joint section, and of all the other rights and privileges therein and with respect thereto granted and provided for by this agreement, according to the terms and conditions herein contained without interruption or interference by the Commission or any other party or parties whomsoever lawfully claiming under the Commission.

43. In case of any notice to be given to or by the Commission hereunder, or in case of any demand to be made by or on behalf or upon the Commission hereunder, the same, except where any other mode shall be indicated by the context, shall be deemed to have been duly given or received when given or received in writing by either the Chairman or Secretary of the Commission for the time being, and in case of any consent required to be given by the Commission the same shall, unless otherwise required by the context, be given by the Chairman for the time being of the Commission, and shall for all purposes be binding upon the Commission; and in case of any notice to be given to or by the Grand Trunk hereunder, or in case of any demand to be made by or on behalf of or upon the Grand Trunk hereunder, the same, except where any other mode may be indicated by the context, shall be deemed to have been duly given or received when given or received in writing by either the President or Senior Vice-President of the Grand Trunk for the time being, and in the case of any consent required to be given by the Grand Trunk the same shall, unless where otherwise required by the context, be given by the President or Senior Vice-president for the time being of the Grand Trunk and shall for all purposes be binding upon the Grand Trunk.

44. Should it be found in practice that cases and events which may arise or happen have not been provided for in this agreement, or that any right or interest of either party has not been fully protected thereby in accordance with its object and intent, it is agreed that in any such case or event the parties will consult together with a view to negotiating with fairness or candor new or other clauses to meet the same, and to do justice and equity between the parties in respect thereof.

45. Any difference that may at any time arise under this agreement or respecting the carrying out of the same according to its true intent and meaning shall, if it cannot be amicably adjusted by the parties from time to time as the same may arise, be by either parties submitted to arbitration in the following manner: Each of the parties hereto shall appoint as an arbitrator or referee a disinterested person skilled in railway matters, but should either party fail to appoint such arbitrator or referee within ten days after the receipt of written notice of the appointment by the other of its arbitrator or referee, then the arbitrator or referee first appointed may select another arbitrator or referee. The two so appointed shall select a third arbitrator or referee, and their award or the award of the majority of them, made after due notice to both parties of the time and place of hearing the matter referred and after affording full opportunity to the parties to be heard and to adduce evidence, shall be final and binding on both parties, and they expressly agree to abide thereby. And it is further agreed that in case the two arbitrators or referees first appointed shall fail to appoint a third within ten days after the appointment of the one last appointed, then a third arbitrator or referee may be appointed by a Judge of the High Court of Justice for Ontario on the application of either party after ten days' notice to the other party. In case of the death or refusal to act of any arbitrator or referee, or if for

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any cause the office of any arbitrator or referee becomes vacant, his successor shall be appointed in the same manner as is provided for the appointment in the first instance, unless the parties otherwise agree.

16. Pending the settlement of the matter or matters submitted for arbitration each party shall continue to carry on its business in the regular manner, and the standing of either party towards the other shall be in no way affected by the matter in controversy.

17. This agreement is intended to supersede the agreement between the parties with reference to said portion (1) of the joint section, dated the twenty-seventh day of March, A.D. 1909, and upon the due execution of these presents said agreement of the twenty-seventh day of March, 1909, shall be deemed to be cancelled.

As witness the respective corporate seals of the said parties under the hands of their respective proper officers in that behalf.

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## SCHEDULE "B."

THIS AGREEMENT MADE THIS FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND ELEVEN,

BETWEEN—

The Temiskaming and Northern Ontario Railway Commission, hereinafter called "the Commission,"

—AND—

The Canadian Express Company, hereinafter called "the Express Company."

Whereas the Commission owns and operates a certain line of railway in the Province of Ontario extending from the town of North Bay to the Town of Cochrane, and by agreement bearing even date herewith between the Commission of the one part and the Grand Trunk Railway Company of Canada of the other part, has granted running rights over said line of railway to the Grand Trunk Railway Company of Canada;

And whereas under and by said last mentioned agreement it is provided that the Grand Trunk Railway Company of Canada shall be entitled to transact a through and interchanged express business over said line of railway during the continuance of such agreement on such terms as shall be set out in an agreement between the parties hereto;

And whereas the Express Company is desirous of carrying on business over said line of railway both in the trains of the Commission and in the trains of the Grand Trunk Railway Company of Canada;

Now therefore these presents witness that in consideration of the premises and of the mutual covenants and stipulations herein contained the parties have agreed with each other as follows:

The Commission on its part agrees:

1. To transport upon its passenger trains between all points on the said line of railway and on all branch lines thereof now and to be hereafter constructed, all express matter in charge of the Express Company with as much promptitude and despatch as is usual and reasonable and as the facilities of the Commission permit.

2. To furnish to the Express Company sufficient space upon all passenger trains for such transportation and for the convenient transaction of its express business; to assign to the Express Company the usual separate room in its baggage car to be used jointly with the Dominion Express Company, and when such space shall not be sufficient for the proper transportation and transaction of such express business to furnish separate cars for the Express Company's use and to keep such cars in good order and repair and to light and warm them when needed.

3. To carry upon its passenger trains the messengers of the Express Company with their safes, trunks and articles needed in doing the Express Company's business, the Express Company's officers and employees when travelling upon the Express Company's business, and express matter covered by the Express Company's franks (so far as such franks are lawful).

4. To provide and allow the Express Company free approach and access to its depots, stations, premises and trains and reasonable time to load and unload express matter upon and from the trains.

5. To provide and allow the Express Company to use and occupy such rooms in its depots, stations and premises as may be necessary for the loading, unloading and transfer and storage of express matter, provided such occupation shall not be detrimental to the business of the Commission; Provided further that as to this and the next preceding paragraph it is agreed that same shall not apply to the stations at North Bay, Cobalt, Haileybury, New Liskeard, Englehart, Porcupine and South Porcupine and Cochrane, nor to any other stations as to which the Express Company shall, as hereinafter provided, be required by the Commission to establish separate offices.

6. To allow the Express Company, if it so desires, to employ as its agents any of the station agents of the Commission at their respective stations, except the agents at North Bay, Cobalt, Haileybury, New Liskeard, Englehart, Porcupine and South Porcupine and Cochrane, or at any stations in which the Express Company shall be required by the Commission to establish separate offices as hereinafter provided. Whenever station agents of the Commission are appointed agents of the Express Company, the Express Company will at any time immediately discharge any such agent from its employment at the request of the Commission. The Express Company is to be solely liable for the acts of such agents done by them within the scope of their employment as employees of the Express Company, but not otherwise.

7. To assume all liability, if any, for the death of or personal injury to the agents or employees of the Commission when acting jointly for the Commission and the Express Company, as well as all liability, if any, for loss and for damage to shipments of express matters, money, bonds or valuables shipped by or on account of the Commission occasioned by accidents to trains of the Commission.

8. To advance the interests of the Express Company and aid it to do a successful express business as far as consistent with its own interests and to provide and allow no express facilities of any kind upon its passenger trains, either through or local, upon the whole or any part of its lines of railway to any other person or company on more favorable terms than those granted to the Express Company.

9. To permit the Express Company to carry on express business on the trains of the Grand Trunk Railway Company of Canada lawfully running over the said line of railway under the terms of said agreement of even date herewith; it being agreed that all the facilities in depots, stations and premises of the Commission above provided for shall be available to the Express Company in respect

of express business carried on trains of the Grand Trunk Railway Company of Canada in the same manner as in respect of the business carried on on trains of the Commission, but that save as aforesaid the Commission shall be under no liability of any kind to the Express Company in respect of express business carried on the trains of the Grand Trunk Railway Company of Canada.

The Express Company on its part agrees:

1. To carry on an express business over the line of the Commission and to and at the points reached thereby and to furnish to the public at such points as efficient an express service as may be reasonably required, and to receive and forward all such express matter as shall be offered to it by the public, except such as is of a dangerous nature; to extend and increase its express business as much as it can and to do all in its power consistent with its own interests to advance the interests of the Commission.

2. That it will not knowingly receive or put on board of any train of either the Commission or the Grand Trunk Railway Company of Canada any boxes or packages containing nitro-glycerine, dualine, gunpowder or other dangerous combinations or explosive substances either solid or liquid.

3. To carry upon the lines of the Commission and upon all other lines operated by the Express Company so far as it is permitted to do so, free of cost to the Commission, the ordinary express matter of the Commission including remittances of money to or from the agents of the Commission and any other shipments of money, bonds or valuables made by or on account of the Commission.

4. To hold and keep indemnified the Commission against any payments, charges or expenses for death of or personal injury to any of the officers, agents or employees of the Express Company while engaged in the discharge of their duties upon the trains or in the stations or otherwise on the premises of the Commission, except agents and employees of the Commission acting jointly for the Commission and the Express Company, and to assume all responsibility, if any, for the loss of or damage to the express matter in its charge, and to hold and keep indemnified and harmless the Commission from such loss or damage except loss of or damage to express matter shipped by or on account of the Commission and occasioned by accident to the trains of the Commission.

5. To render monthly accounts to the Commission of the gross revenue received by the Express Company from the transportation of express matter and other services connected with the express business done by it upon the Commission's line of railway. For the purpose of this agreement such gross revenue shall be ascertained thus: The gross revenue from matter carried wholly upon the Commission's line of railway shall be deemed to be the whole amount received by or on account of the Express Company for such matter not including the charges of other express lines. The gross revenue derived from the express matter carried partly upon the Commission's line and partly upon other lines shall be deemed to be that proportion of the whole amount received by or on account of the Express Company which the number of miles which the matter is carried over the line of the Commission bears to the whole number of miles which the express matter is carried. Before such prorating is done there shall be deducted from the whole amount received all charges of other express lines and of all bridge and ferry tolls. Such statements shall show separately: (*a*) The gross revenue from business carried by the Express Company on the trains of the Commission; (*b*) The gross revenue received from through express business carried by the Express Company on trains of the Grand Trunk Railway Company of Canada; and (*c*) The gross revenue from local express business carried by the Express Company on trains of the Grand Trunk Railway Company of Canada.

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Through express business shall mean express business originating on the Grand Trunk Railway Company of Canada or its connection and carried upon trains of the Grand Trunk Railway Company of Canada over the line of the Commission from North Bay to Cochrane or *vice versa*, and transferred or carried thereafter by the Express Company on the lines of the Grand Trunk Pacific Railway Company or its connections; and local express business shall mean all other express matter carried by the Express Company on the trains of the Grand Trunk Railway Company of Canada.

The words "Express matter" or "Express business," where they appear in this section, are not to be construed so as to refer to Express money orders issued by the Express Company, and nothing in this agreement contained shall render the Express Company liable to account to the Commission for the profits on any Express money orders issued by the Express Company upon the Commission's line of railway.

6. To pay to the Commission fifty per cent. of the gross revenue received by the Express Company in respect of Class A; twenty-five per cent. of the gross revenue received by the Express Company in respect of Class B; and forty per cent. of the gross revenue received by the Express Company in respect of Class C; such payment to be made at the office of the Commission in Toronto on or before the 15th of each month in respect of the preceding calendar month. During the pleasure of the Commission the Express Company may have on the trains of the Commission as its messenger or messengers any of the conductors or baggagemen of the Commission whenever such employment shall not in the judgment of the Commission conflict with the duties to the Commission of such conductors or baggagemen.

7. To afford the Commission or its representatives from time to time in that behalf every opportunity at any time, upon reasonable notice, to examine the books, papers, records and waybills pertaining to the business done under this contract and the manner in which the Express Company prepares the statement of gross earnings under this contract, and shall give the Commission all reasonable safeguards and checks upon the correctness of said accounts.

8. That all freight and express matter taken by the Express Company shall be loaded and unloaded by its employees and at all times handled by its employees in such a manner as to avoid unnecessary delay to the passenger trains of the Commission.

9. To immediately provide separate offices and accommodation outside the offices and premises of the Commission for the Express business at the towns of North Bay, Cobalt, Haileybury, New Liskeard, Englehart, Porcupine and South Porcupine and Cochrane, and to make free delivery of all express matter, addressed to parties within the business districts at said points and to make free collection within the business districts at said points of express matter going outward.

10. To similarly provide separate offices and accommodation outside the offices and premises of the Commission for the Express business at such other points on the line of the railway of the Commission as shall from time to time be indicated by not less than sixty days' notice from the Superintendent for the time being of the Commission and from the time fixed by such notice for the establishment of such separate offices at said respective points the Express Company shall thereafter make free delivery of all express matter addressed to parties within the business districts at the said respective points and make free collection within the business districts at said points of express matter going outward.

It is especially agreed between the parties hereto as follows:

1. The delivery by the joint agent of the parties hereto to the express messenger of the Express Company on the train of money

packages

packages belonging to or consigned to the Commission shall constitute delivery thereof to the Express Company and the delivery by the express messenger on the train to such joint agent of money packages addressed to the Commission shall constitute delivery thereof to the Commission.

2. That if the said line of railway shall be extended beyond Cochrane, or if any other lines of railway shall be operated by the Commission during the continuance of this agreement, the Express Company shall be given the same privileges and facilities for the transportation of its business thereon as are herein granted on the present line of railway of the Commission in so far as the Commission can legally grant the same. Provided, however, that the privilege to carry on express business over the lines of the Commission on the trains of the Grand Trunk Railway Company of Canada shall be confined to the main line of the Commission's railway from North Bay to Cochrane.

3. The employees of the Express Company while engaged in the transaction of the business herein provided for at the stations of the Commission and on the trains of the Commission or of the Grand Trunk Railway Company of Canada or otherwise on the premises of the Commission, shall be subject to all the rules and regulations that may from time to time be made by the Commission or its representatives in that behalf for the safe conduct and management of its business.

4. That although the Express Company may employ and use the Commission's agents as above specified as agents of the Express Company and may pay such agents by commission or otherwise, and although the Commission may to a greater or less extent be benefited thereby, the Commission is in no way liable to the Express Company or to the public for any loss of any money or any other package or for the charges thereon nor for any damage sustained by the Express Company of any kind whatsoever by reason of the negligence or otherwise of the agents or messengers so employed.

5. This contract shall take effect on the date that the Grand Trunk Railway Company of Canada shall begin to run its trains over the line of railway of the Commission under the terms of said agreement between the Commission and the Grand Trunk Railway Company of Canada bearing even date herewith, and shall remain in force for a period of one year, from that date, and thereafter until ninety days after either party shall give notice in writing to the other of its desire to terminate the same.

As witness the corporate seals of the said parties under the hands of their respective proper officers in that behalf.

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## SCHEDULE "C."

THIS AGREEMENT MADE THE FIRST DAY OF MAY, A.D. 1911,

BETWEEN—

The Temiskaming and Northern Ontario Railway Commission, hereinafter called "the Lessor,"

—AND—

The Grand Trunk Railway Company of Canada, hereinafter called "the Lessee."

Whereas the parties hereto contemplate and now have under consideration the terms of an agreement, hereinafter referred to as the "Running Rights Agreement" under which the Lessor shall grant

to

to the Lessee the right jointly and equally with the Lessor of using and enjoying the freight terminals of the Lessor at North Bay and the main line of the Lessor's railway from North Bay to Cochrane.

And whereas the Lessor is the owner of lands for a right of way from the south-easterly limit of said joint terminals at North Bay to a point adjoining the right of way of the Canadian Pacific Railway Company at Nipissing Junction and approximately opposite the terminus at Nipissing Junction of the Lessee's line of railway.

And whereas the Lessee has requested the Lessor to build and construct a branch or extension of the Lessor's railway over said lands from the said south-easterly limit of said joint terminals to the limit of the right of way of the Canadian Pacific Railway Company at Nipissing Junction and to lease same to the Lessee.

And whereas it is desirable and in the public interest that the said branch shall be constructed so as to form a direct connection between the lines of railway of the Lessor and Lessee.

Now these presents witness that the agreement between the parties in the premises is as follows:

1. The Lessor shall, without undue delay, proceed to lay out and construct according to the standard of construction of the Lessor's present line of railway, a branch or extension of the Lessor's said railway from the south-easterly limit of the said joint terminals to the limit of the right of way of the Canadian Pacific Railway Company at Nipissing Junction aforesaid, for the purposes of which laying out and construction and every matter connected therewith the Lessor, its servants and agents, shall from time to time have access to and the right to possession of the said lands and every part thereof in the same manner as if this demise had not been made.

2. In consideration of the rents, covenants and agreements hereinafter contained the Lessor has demised and leased and by these presents doth demise and lease unto the Lessee, its successors and assigns, for the period and on the conditions hereinafter specified the said lands constituting the Lessor's right of way from the south-easterly limit of said joint terminals to the limit of the right of way of the Canadian Pacific Railway Company at Nipissing Junction, together with the railway track and appurtenances herein referred to, to have and to hold the same and every part thereof unto and to the use of the Lessee, its successors and assigns, for the term of fifty years from the date on which the Lessee shall take possession of the premises subject to the right of either party to determine the said term at any time after the expiration of twenty years from said date on not less than five years' written notice to the other party to that effect.

3. The rent payable by the Lessee to the Lessor hereunder shall be an annual sum equal to four and one-half per cent. of the cost of said right of way as herein agreed upon and of the laying out and construction of said branch of the Lessor's railway and of the cost of betterments, if any, made by the Lessor during the continuance of the said term, with the consent and approval of the Lessee, in accordance with the provisions hereinafter contained. The cost of said lands and of all surveys and other work done and performed thereon up to the first day of April, 1911, is hereby agreed as of the said first day of April, 1911, to be the sum of $6,968.33. Said rental shall include four and one-half per cent. of said sum reckoned from said first day of April, 1911, and four and one-half per cent. of each other item of expenditure by the Lessor in connection with the laying out and construction of said branch or in subsequent betterments as aforesaid made pursuant to the provisions hereof reckoned from the respective dates of payment thereof by the Lessor.

4. If at any time during the continuance of the said term the Lessor shall deem it necessary or expedient to make any expen-

ditures

ditures upon capital account for the improvement of the said line of railway by way of replacement of structures by others more modern or for any other betterments, the Lessor may expend such sums and the amount thereof shall be added to the cost of the line and thereafter considered as part of the cost thereof upon which interest by way of rental at the rate aforesaid shall be paid by the Lessee: Provided that no such expenditure shall be entered upon or made without the consent and approval of the Lessee.

5. The Lessee shall pay before entering upon the use and occupation of the said line hereunder four and one-half per cent. per annum of the said agreed cost of said lands from the said first day of April, 1911, to the date when the Lessee shall enter upon the occupation and use of the said line hereunder and four and one-half per cent. of all expenditures by the Lessor in the laying out and construction of the said line from the respective dates of the payment of such expenditure as aforesaid to the date when the Lessee shall enter upon the occupation and use of said line hereunder, and the Lessee shall pay the rental as hereby fixed from and after the date of assuming the said occupation and use in equal monthly instalments, the first of such instalments to be made at the expiration of one month from the beginning of such use and occupation.

6. Notwithstanding anything contained in these presents, the Lessor shall have the right at any time and from time to time during the continuance of the said term to use for its own purposes or to grant to any other railway company or companies the right to use the whole or any portion of the said line of railway jointly with the Lessee, provided that before exercising such right the Lessor shall give to the Lessee not less than sixty days' notice in writing of its desire so to do, specifying in such notice the portion of said line upon which said right is to be exercised; and in case the Lessor shall exercise such right it shall abate to the Lessee in respect of the portion of the line so used (*a*) such proportion of the maintenance and operating expenses thereof as the number of cars run over or upon any of such portion of said line of railway by the Lessor, or by any other such railway company or companies, or by both, as the case may be, shall bear to the whole number of cars run over or upon any such portion of the said line of railway; (*b*) The proper aliquot portions, based upon the number of users of the said line or any part thereof pursuant to such notice, of that proportion of the rental payable by the Lessee hereunder which the number of miles of said line of railway specified in such notice shall bear to the total mileage of the said line.

7. Should the Lessor give notice of its desire to use or to grant to any other Railway Company or Companies the right to use jointly with the Lessee the whole or any portion of the said line of railway as hereinbefore provided, the parties hereto shall thereupon enter into an agreement containing all such provisions for the joint maintenance and operation thereof, not inconsistent with the provisions hereof, as may be reasonably required under the circumstances, it being understood that so far as they are applicable the provisions of the said running rights agreement shall be adopted as the basis of, and be incorporated in, any agreement hereinafter made in pursuance of this paragraph.

8. In case the Lessor shall not when said line is ready for use and occupation by the Lessee have paid all accounts in connection with such laying out and construction or shall not have delivered to the Lessee its accounts therefor or in case the Lessee shall not have had the opportunity to examine, audit and accept such accounts, the Lessee may pay, subject to adjustment, such amount as shall be demanded or required by the Lessor as rental up to the beginning of such use and occupation and the Lessor shall furnish to the Lessee a detailed statement showing all expenditure incurred by the Lessor in laying out and construction of said line, and will allow proper inspection by the Lessee or its servants or agents in that behalf of all pay rolls, books, accounts and vouchers for the purpose of checking or verifying all such expenditure and shall

afford

afford proper facilities for such investigation, and upon the ascertainment by the parties of the true amount of such expenditure the accounts shall forthwith be adjusted accordingly, and in case the parties cannot agree as to the amount of such expenditure the same shall be determined under the provision for arbitration hereinafter contained.

The Lessor will also from time to time furnish to the Lessee detailed statements showing all expenditures incurred by the Lessor, with the consent and approval of the Lessee in betterments as aforesaid and will allow proper inspection by the Lessee, its servants or agents in that behalf of all pay-rolls, books, accounts and vouchers for the purpose of checking or verifying all such expenditure for such betterments, and shall from time to time afford proper facilities for such investigation and in case the parties cannot agree as to the amount of any such expenditure, the same shall be determined under the provisions for arbitration hereinafter contained.

10. The Lessee shall be entitled to install home or distant signals or other apparatus pertaining to interlocking plants on the said demised premises and will be entitled at the expiration or other determination of the said term to remove same subject to restoring the said demised premises to the same plight and condition as before the erection of or installation thereon of any such signals or other apparatus.

11. The Lessee covenants with the Lessor as follows:

(*a*) That the Lessee will during the said term pay unto the said Lessor the rent hereby reserved in the manner hereinbefore mentioned without any deduction whatsoever.

(*b*) That the Lessee will pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, hereafter charged upon the said demised premises or upon the said Lessor on account thereof.

(*c*) That the Lessee will during the said term from time to time well and sufficiently repair, maintain and keep the said demised premises and all the Lessor's structures thereon, including all fences and other the appurtenances of the said line of railway, in as good a state of repair and condition as that portion of the Grand Trunk Railway system between Toronto and North Bay.

(*d*) That the Lessee will from time to time and at all times during the continuation of the said term observe and perform all the requirements of the law from time to time applicable to the operation of the said line and will bear and pay all the expenses incurred in doing and performing all such acts, matters and things as may be necessary for the maintenance and operation of the said line of railway in conformity with the laws of the Dominion of Canada and of the Province of Ontario, respectively applicable thereto, and will indemnify and save harmless the Lessor of and from all costs, charges and expenses in the premises. Provided however, that nothing herein contained shall be construed as imposing upon the Lessee any obligation to construct, or provide at its own expense any work or structure of a permanent character, or which can be regarded as a betterment, which is at any time during the said term directed or ordered by any board or authority duly constituted under the laws of the said Dominion or Province or is directed or ordered by any Act of the Parliament of Canada or of the Legislature of the Province of Ontario, it being the understanding and intention that all material required to be provided and work done in connection with any such work or structure, shall be provided and done by and at the cost of the Lessor, and that interest at the rate of four and a half (4½) per cent. shall be thereafter paid thereon by the Lessee as additional rental hereunder irrespective of whether the Lessee shall or shall not have consented to such expenditure.

(e) That the Lessee, its successors and assigns shall not nor will during the said term, assign, transfer or set over or otherwise by any act or deed permit the said premises or any of them to be assigned, transferred, set over or sublet unto any person or persons, company or companies whomsoever without the consent in writing of the Lessor, its successors and assigns, first had and obtained.

(f) The Lessee at the expiration or other determination of the said term will yield up the said line of railway, structures and appurtenances to the Lessor in as good plight and condition in all respects as the same shall be in at the beginning of the use and occupation thereof by the Lessee hereunder and as to any structure or other matter or thing covered by the Lessor's betterments as aforesaid in as good plight and condition as the same were on the completion of such respective betterments; and in case the said railway, structures and appurtenances or any part thereof shall not at the expiration or other determination of the term hereby granted be so delivered up in as good plight and condition as at the beginning of such occupation or as to any such betterments in as good plight and condition as at the completion thereof respectively the Lessee will pay to the Lessor in cash such sum as shall be sufficient to cover the cost and all incidental expenses of bringing the said railway structures and all appurtenances or such of them as shall not be in such plight and condition as aforesaid in all respects up to such standard; and in case the parties cannot agree upon the amount payable hereunder and same shall be fixed by arbitration as hereinafter provided, it being expressly agreed that the Lessee shall not be entitled to any payment or allowance in respect of any betterments of any kind made or claimed to be made by the Lessee, the true intention and meaning of these presents being that any betterments made by the Lessee shall be deemed and understood to be made for the Lessee's own benefit during the said term.

12. Provided always and it is hereby expressly agreed that if and whenever the rent hereby reserved, or any part thereof, shall be unpaid for sixty days after any of the dates on which the same ought to have been paid, although no formal demand shall have been made therefor, or in case of the breach or non-performance of any of the covenants or agreements herein contained on the part of the Lessee, its successors or assigns, then and in either or any of such cases it shall be lawful for the Lessor at any time thereafter into and upon the said demised premises or any part thereof in the name of the whole to re-enter and the same to have again, re-possess and enjoy as of its former estate therein, anything herein contained to the contrary notwithstanding.

13. The Lessor hereby covenants with the Lessee that the Lessee making the payments herein agreed to be made and performing, observing and fulfilling the covenants and the terms and conditions herein contained on the part of the Lessee to be observed, performed and fulfilled, shall from time to time and at all times hereafter during the said term have and enjoy the use and occupation of the said demised premises according to the terms and conditions herein contained without interruption or interference by the Lessor or any other party or parties whomsoever lawfully claiming under the Lessor.

14. In case of any notice to be given to or by the Lessor hereunder or in case of any demand to be made by or on behalf of or upon the Lessor hereunder the same, except where any other mode shall be indicated by the context, shall be deemed to have been duly given or received when given or received in writing by either the Chairman or Secretary of the Lessor for the time being; and in case of any consent required to be given by the Lessor the same shall, unless otherwise required by the context, be given by the Chairman for the time being of the Lessor and shall for all purposes be binding upon the Lessor; and in case of any notice to be given to or by the Lessee hereunder or in case of any demand to be made by or on behalf of or upon the Lessee hereunder the same, except where any

other

other mode shall be indicated by the context, shall be deemed to have been duly given or received when given or received in writing, by either the President or Senior Vice-President of the Lessee for the time being; and in case of any consent required to be given by the Lessee the same shall, unless where otherwise required by the context, be given by the President or Senior Vice-President for the time being of the Lessee, and shall for all purposes be binding upon the Lessee.

15. Any difference which may at any time arise between the parties hereto respecting or by reason of any of the provisions of this agreement, or as to the true intent and meaning thereof, or respecting anything to be performed, ascertained or determined for the purpose of fully carrying out the same, or of any agreement for the joint maintenance and operation thereof or of any portion thereof, as contemplated by Clause 7 hereof, shall if not amicably adjusted be from time to time, as the same arises, submitted to arbitrators appointed as follows: Each of the parties hereto shall appoint an arbitrator or referee, but should either party fail to appoint such arbitrator or referee within ten days after the receipt of written notice of the appointment by the other of its arbitrator or referee, then the arbitrator or referee first appointed may select another arbitrator or referee. The two so appointed shall select a third arbitrator or referee and their award or the award of the majority of them made after due notice to both parties of the time and place of hearing the matter referred to, and after affording full opportunity to the parties to be heard and to adduce evidence, shall be final and binding upon both parties and they expressly agree to abide thereby. In case the two arbitrators or referees first appointed shall fail to appoint a third arbitrator within ten days after the appointment of the one last appointed then a third arbitrator or referee may be appointed by a Judge of the High Court of Justice for Ontario on the application of either party after ten days' notice to the other. In case of the death or refusal to act of any arbitrator or referee, or if for any cause the office of any arbitrator or referee becomes vacant, his successor shall be appointed in the same manner as is provided for the appointment in the first instance unless the parties otherwise agree.

Pending the final disposition of the matter or matters submitted for arbitration each party shall continue to comply with and carry out the provisions of this agreement and the standing of either party towards the other shall be in no way affected by the matter in controversy.

16. These presents shall be binding upon and shall enure to the benefit of the successors and assigns of the parties respectively.

In Witness Whereof the parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed, sealed and delivered in the presence of:

(Sgd.) A. T. MORTON

(Sgd.) H. T. MACDONALD

THE GRAND TRUNK RAILWAY COMPANY OF CANADA

[SEAL]

(Sgd.) CHAS. M. HAYS,
*President.*

THE TEMISKAMING AND NORTHERN ONTARIO RAILWAY COMMISSION

[SEAL]

(Sgd.) J. L. ENGLEHART,
*Chairman.*

(Sgd.) A. J. MCGEE,
Secy.-Treasurer.

CHAPTER

# CHAPTER 14.

## An Act to amend The Power Commission Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Power Commission Act, 1912.*

7 Edw. VII. c. 19, s. 5, amended.

**2.** Section 5 of *The Power Commission Act* is repealed and the following section substituted therefor:—

Salary of Chairman of Commission.

5.—(1) The Chairman of The Commission shall be paid out of such moneys as may be voted by the Legislature for the general purposes of the Commission, such annual salary or other remuneration not exceeding Six Thousand Dollars ($6,000) per annum as may be determined by the Lieutenant-Governor in Council.

Seat not vacated, nor penalties incurred thereby.

(2) Notwithstanding anything contained in *The Legislative Assembly Act,* the said Chairman shall not by reason of such salary or remuneration or the acceptance thereof avoid his election or vacate or forfeit his seat or incur any of the penalties imposed by the said Act for sitting and voting thereafter as a member of the Legislative Assembly.

9 Edw. VII. c. 5.

Salaries of other members of Commission.

(3) The members of The Commission other than the Chairman or a member of the Legislative Assembly shall be paid out of such moneys as may be voted by the Legislature for that purpose, such annual salary or other remuneration as may be fixed by the Lieutenant-Governor in Council.

(4)

(4) This section shall take effect as from the thirty-first day of October, A.D. 1911.

**3.** Section 8 of *The Power Commission Act* is amended by striking out the words "and supply" in the 6th line of clause *b* in the said section, and inserting in lieu thereof the words "supply and distribution" and by adding to the said section the following clauses:— 7 Edw. VII. c. 19, s. 8, amended.

(*d*) To enter upon, take and use without the consent of the owners thereof, any lands upon which any water power or privilege is situate, or any lake, river, stream or other body of water, which in the opinion of the Commission is capable of improvement or development for the purpose of providing water power, and to construct such dams, sluices, canals, raceways and other works, as may be deemed proper or expedient for that purpose, and to flood and overflow any lands as may be deemed necessary for the purpose of providing storage of the water or for any other purpose in connection with such works, and to contract with any municipal corporation, company or individual for the use of any of the improvements or works so made, on such terms and conditions as may be agreed on, and to charge such tolls for the use of the water power or improvements or works, by any municipal corporation, company or individual as the Commission may deem reasonable, having regard to the cost of acquiring such lands, and of the construction, maintenance and operation of such improvements or works. Flooding lands and improving water powers.

(*dd*) To acquire by purchase or to expropriate any plant, machinery, appliances, wires, poles and other equipment, and the lands occupied by or used in connection with the same or any part thereof, used or intended for the distribution of electrical power or energy in a municipality, the corporation of which has entered into an agreement with the Commission for the supply of electrical power or energy and to contract for the sale and transfer to such municipal corporation of such plant, equipment and lands upon such terms and for such price, not being less than the price paid by the Commission, with the expenses in connection with such purchase or expropriation added thereto, but if part only of the property is taken the damage done to the property by the severance shall be taken into consideration in determining the compensation. Acquiring distributing plant.

4.

7 Edw. VII. c. 19, amended.

**4.** *The Power Commission Act* is amended by inserting therein the following as section 10*a*.

Abandonment of lands after expropriation.

10*a*.—(1) Where any of the compulsory powers mentioned in section 8, are exercised with respect to land and no entry on or use of the land taken has been made, except for the purpose of survey or examination, the Commission at any time before the expiration of three months from the date of the award, may by writing under the hand of the Chairman and the Seal of the Commission, registered in the proper Registry or Land Titles Office, declare that the land or any part thereof is not required and is abandoned by the Commission, and thereupon the land declared to be abandoned shall revest in the person from whom it was taken, or in those entitled to claim under him.

Total abandonment.

(2) Where the land taken, or any part thereof, is abandoned the person from whom it was taken shall be entitled to all damages sustained, and all costs incurred by him in consequence of the taking and abandonment; and where part only of the land is abandoned, the fact of such abandonment, and the damages, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation, and the amount of the damages shall be determined in the manner provided by *The Public Works Act*, and if a reference as to compensation is pending, shall be determined on such reference.

Partial abandonment.

10 Edw. VII. c. 11.

1 Geo. V., c. 14, s. 12, ss. 2, amended.

**5.** Subsection 2 of section 12 of *The Power Commission Act, 1911,* is amended by inserting the words "or the question as to a supply of electrical power or energy provided for by section 11 of *The Power Commission Amendment Act, 1909,*" after the word "Act," where the same appears in the fourth line, and by inserting the words "or by this Act," after the word "Act," where the same appears in the seventh line of the said subsection.

9 Edw. VII., c. 19.

7 Edw. VII., c. 19, s. 14 (2), repealed.

**6.** Subsection 2 of section 14 of *The Power Commission Act* is repealed, and the following substituted therefor:—

Mode of submitting by-law to electors.

(2) The council of a municipal corporation may, if they see fit, submit to the electors a by-law providing for borrowing by the issue of debentures, the money required for any of the purposes mentioned or referred to in sections 12, 13, and 14 of *The Power Commission Act,* at the same time as such council submits to the electors a

by-law

by-law approving of a provisional contract entered into under section 12 of the said Act, or a question as to a supply of electrical power under section 11 of *The Power Commission Amendment Act, 1909,* and such by-law for borrowing money, may be finally passed by such council, either before or after such corporation has entered into a contract with the Commission for the supply of electrical power or energy, but the debentures authorized by such by-law shall not be issued until the corporation has entered into a contract with the Commission for the supply of such electrical power or energy.

**7.** The clause lettered *c* in section 18 of *The Power Commission Act* is amended by inserting after the word "operating" in the first line the word "supervising." 7 Edw. VII. c. 19, s. 18, cl. c. amended.

**8.** Subsections 4 and 5 of section 22 of *The Power Commission Act,* as enacted by section 4 of the Act passed in the tenth year of the reign of His late Majesty King Edward the Seventh, chaptered 16, are repealed. 7 Edw. VII. c. 19, s. 22, sub-sections 4 and 5; 10 Edw. VII. c. 16, repealed.

**9.** *The Power Commission Act* is amended by adding thereto the following sections:— 7 Edw. VII. c. 19, amended.

22*a*.—(1) The Commission may make regulations as to Regulations as to equipment.

(*a*) The construction, operation and inspection of the works, plant, machinery, apparatus, appliances and equipment for the transmission, distribution, connection, installation and use of electrical power or energy by municipal corporations, and by any railway, street railway, electric lighting, power or transmission company, or by any other company or individual, transmitting, distributing, installing, or using electrical power or energy, or whose undertaking, works, or premises are connected with any plant for transmission or distribution of electrical power or energy.

(*b*) Requiring the appointment of inspectors by the corporation of any municipality for the purpose of enforcing the due observance of such regulations. As to inspection.

(2) The Commission may at any time order the installation, removal or alteration of any works, plant, machinery, apparatus, appliances or equipment, as in the opinion of Ordering changes in plans and equipment.

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the Commission may be necessary for the safety of the public or of workmen, or for the protection of property against damage by fire or otherwise.

Rates

22*b*.—(1) The rates chargeable by any municipal corporation generating or receiving and distributing electrical power or energy, shall at all times be subject to the approval and control of the Commission; and the rates charged by any company or individual receiving power from the Commission for the supply of electrical power or energy shall at all times be subject to such approval and control.

Prescribing system of book-keeping, etc.

(2) The Commission may prescribe a system of book-keeping and keeping accounts of the assets, liabilities, revenue and expenditure of any municipal corporation or municipal commission and may require from such municipal corporation or commission such returns and statements as the Commission may deem proper, and may extract from such books, returns and statements such information as in the opinion of the Commission may be useful for publication and may embody the same in the reports of the Commission.

6 Edw. VII. c. 31, s. not to apply.

(3) Section 57 of *The Ontario Railway and Municipal Board Act, 1906,* shall not apply to municipal corporations or commissions, which are subject to the provisions of this section, so far as the said section relates to the development or distribution of electrical power or energy.

Where accounts of a corporation show a surplus.

22*c*. Whenever it appears from the accounts of a municipal corporation or municipal commission, that after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works and plant for the production, development or distribution of electrical power or energy, and in the case of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution, after providing for payments required by this Act, that there is a surplus at the credit of the municipal corporation or municipal commission, such surplus shall be applied and disposed of in such manner as the Commission may by general regulation or special order direct.

(*a*) In the reduction of any indebtedness incurred with respect to the construction and equipment of such works and plant, or

(*b*) In the maintenance, repair or renewal thereof, or

(*c*) In the extension of such works and plant, or

(*d*)

(*d*) In the formation of a fund to be used at a future time for any of such purposes.

Orders of Commission. Penalty for disobeying.

22*d*. A municipal corporation or municipal commission, and any company or individual neglecting or refusing to obey and carry out any order or direction of the Commission or of a member thereof, made under section 22, or of the Commission made under section 22*a*, section 22*b* or section 22*c*, in addition to any other liability, shall forfeit to His Majesty for the use of the Province, the sum of $100 for every day during which such neglect or refusal shall continue.

Ordering wires underground.

22*e*.—(1) Where the Commission is of opinion that it is necessary or expedient for the protection of life or property or for the convenience of the public that the use of overhead lines upon any highway or public communication or part thereof in a city or town, including the wires of telegraph, telephone, electric light, heat, or power companies, should be discontinued, the Commission may so direct and upon such terms and subject to such conditions as it may prescribe may require that such wires be placed and carried in underground conduits to be constructed and maintained in accordance with the directions and to the satisfaction of the Commission, and may abrogate any right to carry lines on poles in such city or town which may have been given by any Act or by any municipal by-law, license or agreement.

Municipal wires.

(2) In this section and in sections 22*f* to 22*j*,

(*a*) "Lines" shall mean and include the wires, cables, or other conductors used by a company for the purpose of conveying or distributing electricity or electrical power or energy, for telegraph, telephone, or electric light, heat or power purposes.

(*b*) "Company" shall include a municipal corporation or municipal commission, a partnership and an individual, owning, leasing, using or controlling lines in a city or town.

Construction of tunnel by municipal corporation.

22*f*. Where the corporation of the city or town is willing to undertake the construction of a tunnel or conduits or other system for carrying lines underground in any highway or public communication or part thereof, the Commission upon such terms and subject to such conditions as it may prescribe may require all companies and persons whose lines are carried overhead upon any such highway or public communication to make use of such tunnel or conduits or other system for the purpose of carrying their lines and to pay

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to the corporation such compensation for the use thereof as may be agreed upon or as the Commission may determine, and such compensation may be either a lump sum or a sum to be paid annually or periodically, as the Commission may determine and direct.

Powers of corporation of city or town.

22*g*. Where the corporation of a city or town desires to construct a tunnel, conduits or other system for the purpose mentioned in the next preceding section, it shall be lawful for the corporation to do so and to exercise in respect thereof the powers of expropriation conferred upon the corporation by *The Municipal Act*.

Work subject to direction of Commission.

22*h*. All works undertaken under the provisions of the next preceding two sections shall be done in accordance with the directions and to the satisfaction of the Commission, and shall be maintained, kept in repair, altered, enlarged or improved to the satisfaction of the Commission, and as it may from time to time direct.

Penalty.

22*i*. If any order or direction of the Commission for discontinuing the use of overhead lines is not obeyed, the lines, poles and other structures in connection therewith upon the highway or public communication shall be deemed to be unlawfully erected and maintained, and may be removed by or under the direction of the Commission, and at the expense of the owner or user of them, and the company owning or using such lines shall incur a penalty of $100 a day for the time during which the order of the Commission is disobeyed.

Joint order by Commission and Dominion Railway Board.

22*j*. Where lines, the construction or operation of which is authorized by this Legislature; and lines, the construction of which is authorized by the Parliament of Canada, run through or into the same city or town, and the corporation of such city or town is desirous of having such lines placed underground, the Commission and the Board of Railway Commissioners for Canada, may, after the receipt of the applications hereinafter mentioned, by joint session or conference in conformity with the practice to be established by them, hear and determine the application, and may order on such terms and conditions as they may prescribe any company constructing or operating lines in the city or town to place such lines underground, and may abrogate any right to carry lines on poles in such city or town, which may have been given by any Act or municipal by-law, license or agreement.

(*a*) Any such company or any municipal corporation or other public body, or any person or persons interested

interested, may file with the Secretary of the Commission, and with the Secretary of the Board of Railway Commissioners for Canada, the application for an order under this section, together with evidence of the service of such application upon the company or companies interested or affected, and where the application is not made by the municipal corporation, upon the head of the municipal corporation within which the lines are situate.

(*b*) The Chairman of the Commission and the Chairman of the Board of Railway Commissioners for Canada, may make rules of procedure and practice, covering the making of such applications and the hearing and disposition thereof, and may vary, alter or rescind the same from time to time.

(*c*) The Chairman of the Commission and the Chairman of the Board of Railway Commissioners for Canada, may from time to time assign or appoint from each body the members comprising the joint Board that may be required to sit for the hearing and determining of such applications as they arise.

(*d*) Any such order may be made a rule of the Exchequer Court of Canada, and may be enforced in like manner as any rule, order or decree of such Court.

**10**. Section 2 of *The Power Commission Amendment Act, 1911,* is amended by striking out the words "and an incorporated company," in the second line of clause (*d*) of that section, and inserting in lieu thereof the words "and incorporated company or an individual or firm." 1 Geo. V. c. 15, s. 2, amended.

**11**. The municipal corporations of the City of Hamilton; Villages of Norwich, Port Stanley, Mimico and Waterdown, and the Police Villages of Baden, Beachville, Port Credit and Thamesford are added as parties of the Second Part to the contract set out as Schedule "A" to *The Power Commission Act, 1909*, as varied and confirmed by the said Act, and as further varied and confirmed by the Act passed in the tenth year of the reign of His late Majesty King Edward the Seventh, chaptered 16, as amended by this Act, and the said contract shall be binding. Certain municipal corporations added as parties to contract. 9 Edw. VII. c. 19, Sched. "A."

as

as to the City of Hamilton from the 31st of October, 1911;

as to the Village of Norwich from the 4th of March, 1910;

as to the Village of Port Stanley from the 6th of Oct., 1911;

as to the Village of Mimico from the 14th of October, 1911;

as to the Village of Waterdown from the 10th of Oct., 1911;

as to the Police Village of Baden from the 29th of Aug., 1911;

as to the Police Village of Thamesford from the 21st of Nov., 1911;

as to the Police Village of Beachville from the 1st day of February, 1912;

as to the Police Village of Port Credit from the 13th day of February, 1912.

Schedule to contract amended.

**12**. The names of such municipal corporations are added to Schedule "B" to the said contract, and such Schedule shall be read as containing the particulars set out in Schedule "A" to this Act.

By-laws confirmed. Hamilton.

**13**. By-law No. 1165, of the Corporation of the City of Hamilton;

Norwich. By-law No. 523, of the Corporation of the Village of Norwich.

Midland. By-law No. 772, of the Corporation of the Town of Midland.

Mimico. By-laws Nos. 13 and 14, of the Corporation of the Village of Mimico.

Waterdown. By-laws Nos. 182 and 186, of the Corporation of the Village of Waterdown.

Port Stanley. By-law No. 311, of the Corporation of the Village of Port Stanley.

Thamesford. By-law No. 16, of the Corporation of the Police Village of Thamesford.

Baden. By-law No. 485, of the Corporation of the Police Village of Baden.

Beachville. By-law No. 8, of the Corporation of the Police Village of Beachville.

West Oxford. By-law No. 557, of the Corporation of the Township of West Oxford.

Port Credit. By-law No. 785, of the Corporation of the Police Village of Port Credit.

Toronto. By-law No. 791 of the Corporation of the Township of Toronto,

are

are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof, respectively, and shall not be open to question upon any ground whatsoever, notwithstanding the requirements of *The Power Commission Act,* or the amendments thereto or of any other statute.

Contracts confirmed.

**14**. The contracts heretofore entered into by such corporations, respectively, with the Commission are confirmed and declared to be legal, valid and binding upon the parties thereto, respectively, and shall not be open to question upon any ground whatsoever, notwithstanding the requirements of *The Power Commission Act,* or the amendments thereto or of any other statute.

By-law No. 1193 of City of Hamilton confirmed.

**15**.—(1) By-law No. 1193 of the City of Hamilton, set out in the Schedule "B" to this Act, is confirmed and declared to be legal, valid and binding, and the Commission and the corporation of the said City are authorized to do whatever may be necessary to carry out said by-law and any contract entered into in pursuance thereof.

10 Edw. VII. c. 16, s. 5, repealed as to Hamilton.

(2) Section 5 of the Act respecting The Hydro-Electric Power Commission of Ontario, passed in the tenth year of the reign of His late Majesty King Edward the Seventh, chaptered 16, is repealed, so far as the same relates to the corporation of the City of Hamilton, and any proceedings heretofore taken, and any by-law passed or contract entered into thereunder, is cancelled and shall be void and of no effect.

Contract between Commission and City of Hamilton confirmed.

(3) The contract entered into between the Commission and the corporation of the City of Hamilton, dated the 31st day of October, 1911, set out as Schedule "C" hereto, is confirmed and declared to be legal, valid and binding upon the parties thereto, respectively, and shall not be open to question upon any ground whatsoever, notwithstanding the requirements of *The Power Commission Act* or the amendments thereto, or of the Act passed in the tenth year of the reign of His late Majesty King Edward the Seventh, chaptered 16, or any other general or special Act of this Legislature or any by-law or agreement heretofore passed or entered into.

By-law No. 210 of St. Mary's confirmed.

**16**. By-law No. 210 of the Municipal Corporation of the Town of St. Mary's passed on the 23rd day of October, 1911, for raising $15,000 for electric light and power purposes is confirmed and declared to be legal, valid and binding notwithstanding any defect in substance or form therein or any irregularity in the manner of passing the same, and the debentures issued as provided by the said by-law shall be legal and valid and binding upon the said corporation and the ratepayers thereof.

SCHEDULE

SCHEDULE "A."

ADDITIONS TO SCHEDULE "B" TO THE CONTRACT SET OUT IN SCHEDULE "A." 9 EDW. VII. c. 19.

| Name of Municipal Corporation. | Quantity of power applied for in H.P. | Maximum price of power at Niagara Falls. | No. of Volts. | Estimate maximum cost of power ready for distribution in municipality. | Estimate of proportionate part of cost to construct transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P. | Estimate of proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P. |
|---|---|---|---|---|---|---|
| Hamilton ..... | 2,000 | ..... | ..... | $17 32 | $104,760 00 | $9,784 00 |
| Norwich ..... | 150 | ..... | ..... | 30 00 | 20,832 00 | 1,875 00 |
| Port Stanley ..... | 50 | ..... | ..... | 79 89 | 33,375 00 | 1,589 00 |
| Mimico ..... | 50 | ..... | ..... | 30 74 | 7,448 00 | 635 00 |
| Waterdown ..... | 50 | ..... | ..... | 37 50 | 11,540 00 | 736 00 |
| Baden ..... | 40 | ..... | ..... | 36 95 | 8,316 00 | 620 00 |
| Thamesford ..... | 100 | ..... | ..... | 48 73 | 33,556 00 | 1,987 00 |
| Beachville ..... | 80 | ..... | ..... | 33 89 | 15,788 00 | 1,043 00 |
| Port Credit ..... | 30 | ..... | ..... | 36 79 | 7,146 00 | 408 00 |

SCHEDULE

SCHEDULE "B."

By-Law No. 1193.

To authorize the Corporation of the City of Hamilton to enter into a contract with The Hydro-Electric Power Commission of Ontario, varying the Agreement appended as a Schedule to By-law No. 906.

The Council of the Corporation of the City of Hamilton enacts as follows:

1. The Mayor and City Clerk are hereby authorized and directed to execute, under the Corporate Seal of the City of Hamilton, the contract with The Hydro-Electric Power Commission of Ontario, appended as a Schedule to this By-law, varying the agreement appended to By-law No. 906, passed by this Council on the 29th day of November, 1909.

Passed this 31st day of October, A.D. 1911.

Geo. H. Lees,
*Mayor.*

S. H. Kent,
*City Clerk.*

Schedule.

This Indenture made the 31st day of October, 1911.

Between

The Hydro-Electric Power Commission of Ontario (hereinafter called the "Commission") of the first part,

and

The Corporation of the City of Hamilton (hereinafter called the "Corporation") of the second part.

Whereas the parties hereto, by an agreement appended as a Schedule to By-law No. 906, of the Council of the Corporation of the City of Hamilton, passed on the 29th day of November, 1909, entered into a contract for the supply, by the Commission to the Corporation, of electric power, and it was therein provided that at any time prior to the 31st day of December, 1910, the Corporation may agree with the Commission to vary such contract in such manner that the Corporation shall be entitled to all rights and benefits of the agreement dated the 4th day of May, 1908, being Schedule "A" of The Power Commission Act, 1909, made between the Commission and the Municipal Corporations of Toronto and others, and on the 28th day of November, 1910, application was made by resolution of the Council of the Corporation to extend the time to enter into such agreement until the 31st day of December, 1911, and the time was extended by the Commission.

Now this indenture witnesseth that in consideration of the premises, the parties hereto hereby agree as follows:

1. The said agreement appended to said By-law No. 906 is hereby varied in the following manner:

(*a*) By striking out paragraph 1 (*b*) and inserting the following paragraph in lieu thereof:

"1

"1 (*b*) On the first day of June, 1910, to supply said power in quantities set forth in column 2 of said schedule, or as a minimum 40 per cent. less, if written notice of minimum required is given on or before 19th day of July, 1909, to the Corporations, within the limits thereof, ready for distribution at approximately the number of volts set forth in column 4 of said schedule, and approximately 25 cycles per second frequency."

(*b*) By striking out paragraph 2 (*b*) and inserting in lieu thereof the following:

"2 (*b*) To take electric power exclusively from the Commission during the continuance of this agreement; provided, if the Commission is unable to supply said power as quickly as required, the Corporations may obtain the supply otherwise until the Commission has provided such supply, thereupon the Corporations shall immediately take from the Commission and the Corporations may generate, store or accumulate electric power for emergencies, or to keep down the peak load of the power taken from the Commission, and nothing herein contained shall affect existing contracts between the Corporations and other parties for a supply of electric power, but the Corporations shall determine said contracts at the earliest date possible."

(*c*) By striking out of paragraph 4 all the words after the word "hereto," commencing with the words "Said meters."

(*d*) By striking out the letter (*a*) where it appears after the figures "10" in paragraph 2 (*c*), 2 (*d*) and 2 (*e*).

(*e*) By striking out paragraphs 10 (*a*), 10 (*b*), 10 (*c*) and 10 (*d*), and inserting in lieu thereof the following:

"10. The Commission shall, at least annually, adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works."

(*f*) By striking out the last sentence of paragraph 11, commencing with the words "No power," and inserting in lieu thereof the following:

"No power shall be supplied by any municipal corporation to any railway or distributing company, or any other corporation or person without the written consent of the Commission."

(*g*) By inserting the following paragraphs as 13 (*a*) and 13 (*b*):

"13. Each of the Corporations agrees with the other: (*a*) To take electric power exclusively from the Commission during the continuance of this agreement, subject to the provisoes above set forth in paragraph 2 (*b*).

"(*b*) To co-operate, by all means in its power, at all times, with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act."

(*h*) Section 13 shall be numbered 14, and section 14 shall be numbered 15.

(*i*) By striking out opposite the word "Hamilton" in the schedule appended to the said agreement in columns 2, 5, 6 and 7, the figures 1,000, 17.92, 84,384 and 3,620, and inserting in said columns respectively opposite the said word "Hamilton" in said schedule the following figures: 2,000, $17.32, $104,760, 9,784.

2. The Corporation and the Commission shall be entitled to all rights and benefits of the said agreement of the 4th day of May, 1908, as if the Corporation was originally a party thereto.

3.

3. To apply at the next session of the Legislature of Ontario to have the foregoing agreement validated, ratified and confirmed.

In witness whereof the Commission and the Corporation have respectively affixed their Corporate Seals under the hands of their proper officers.

SCHEDULE "C."

As amended by By-law No. 1193, passed on 31st October, 1911.

This Indenture made the 4th day of May, 1908.

Between

The Hydro-Electric Power Commission of Ontario, acting herein on its own behalf and with the approval of the Lieutenant-Governor in Council (hereinafter called the Commission), party of the first part,

and

The Municipal Corporations of Toronto, London, Guelph, Stratford, St. Thomas, Woodstock, Berlin, Galt, Hespeler, St. Mary's, Preston, Waterloo, New Hamburg, Ingersoll and Hamilton (hereinafter called the Corporations), parties of the second part.

Whereas, pursuant to "An Act to provide for transmission of electrical power to municipalities," the Corporations applied to the Commission to transmit and supply such power from Niagara Falls and the Commission entered into contracts, hereto attached, with the Ontario Power Company of Niagara Falls (hereinafter called the Company), for such power at the prices set forth in the schedule, hereto attached, and the Commission furnished the Corporations with estimates, as shown in the schedules of the total cost of such power, ready for distribution within the limits of the Corporations, and the electors of the Corporations assented to By-laws authorizing the Corporations to enter into a contract with the Commission for such power, and the Commission have estimated the line loss and the cost to construct, operate, maintain, repair, renew and insure a line to transmit, nominally, 30,000 horse-power, with total capacity of 60,000 horse-power of such power to the Corporations, and have apportioned the part of such cost to be paid by each Corporation, as shown in said schedule.

Now, therefore, this Indenture witnesseth that in consideration of the premises and of the agreements of the Corporations herein set forth, subject to the provisions of the said Act and of the said contracts, the Commission agrees with the Corporations respectively:

1. (*a*) To construct a line to transmit the quantities of electric power, shown in column 2 of the said schedule from Niagara Falls to the Corporations shown in column 1 respectively.

(*b*) On the first day of June, 1910, to supply said power in quantities set forth in column 2 of said schedule, or as a minimum 40 per cent. less, if written notice of minimum required is given on or before 19th of July, 1909, to the Corporations, within the limits thereof, ready for distribution at approximately the number of volts set forth in column 4 of said schedule, and approximately 25 cycles per second frequency.

(*c*) At the expiration of three months' written notice, which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each additional power until the total amount so supplied shall amount to 30,000 horse power.

(*d*) At the expiration of nine months' like notice, which may be given by the Corporations, or any of them, from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each additional power until the total amount so supplied shall amount to 100,000 horse power.

(*e*) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporations.

In consideration of the premises and of the agreements herein set forth, each of the Corporations for itself, and not one for the other agrees with the Commission:

2 (*a*) Subject to the provisions of paragraph 2 (*g*) hereof, to pay the commission for the quantities of power shown in column 2 of said schedule, or 40 per cent. less as a minimum to be supplied at said date, and for such additional power supplied or held in reserve upon such notices, the price set forth in column 3 of said schedule in twelve monthly payments, in gold coin of the present standard of weight and fineness, and bills shall be rendered by the Commission on or before the fourth and paid by the Corporation on or before the fifteenth of each month. If any bill remains unpaid for 15 days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of such power to the Corporations in default until said bill is paid. No such discontinuance shall relieve the Corporation in default from the performance of the covenants, provisoes, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

2 (*b*) To take electric power exclusively from the Commission during the continuance of this agreement; provided, if the Commission is unable to supply said power as quickly as required, the Corporations may obtain the supply otherwise until the Commission has provided such supply, thereupon the Corporations shall immediately take from the Commission; and the Corporations may generate, store or accumulate electric power for emergencies, or to keep down the peak load of the power taken from the Commission, and nothing herein contained shall affect existing contracts between the Corporations and other parties for a supply of electric power, but the Corporations shall determine said contracts at the earliest date possible.

(*c*) To pay annually, interest at four per cent. per annum upon its proportionate part of the moneys expended by the Commission on capital account for the construction of the said line, transformer stations and other necessary works shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 10.

(*d*) To pay an annual sum for its proportionate part of the cost of the construction of said line, stations and works, shown respectively in column 6 of said schedule, subject to adjustment under paragraph 10, so as to form in thirty years a sinking fund for the retirement of the securities to be issued by the Province of Ontario.

(*e*) To bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said line, stations and works shown respectively in column 7 of said schedule, subject to adjustment under paragraph 10.

(*f*)

(*f*) To keep, observe and perform the covenants, provisoes, and conditions set forth in said contracts, intended by the Commission and the Company to be kept and observed and performed by the Corporations.

(*g*) To pay for three-fourths of the power supplied and held in reserve at said date and upon said notices whether the said power is taken or not, and when the greatest amount of power taken for twenty consecutive minutes in any month shall exceed three-fourths of the amount during such twenty consecutive minutes, so supplied and held in reserve, to pay for this greater amount during that entire month. When the power factor of this greatest amount of power taken for said twenty minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power, divided by the power factor.

(*h*) To take no more power than the amount to be supplied and held in reserve at said date and upon said notices.

(*i*) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission.

(*j*) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and the Company.

3. If, as therein provided, the said contracts are continued until 19th December, 1939, this agreement shall remain in force until that date.

4. Said power shall be three-phase, alternating, commercially continuous twenty-four hour power every day of the year except as provided in paragraph 6 hereof, and shall be measured by curve-drawing meters, subject to test as to accuracy by either party hereto.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporations, and take records at all reasonable times on giving to the Corporation six hours' notice of the intention to make such inspection. The Corporations shall have a like right on giving a like notice to inspect the apparatus, plant and property of the Commission.

6. In case the Commission or the Company shall at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporations shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, riot, fire, invasion, explosion, act of God or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such time, and the Corporations shall not be bound to pay the price of said power at Niagara Falls during such time, but the Corporations shall continue to make all other payments, but as soon as the cause of such interruption is removed the Commission shall, without any delay, supply said power as aforesaid, and the Corporations shall take the same, and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes of the interruption.

7. If, and so often as any interruption shall occur in the service of the Company, due to any cause or causes other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporations as liquidated and ascertained damages and not by way of penalty, as follows: For any interruption less than one hour double the amount payable for

power

power which should have been supplied during the time of such interruption; and for any interruption of one hour or more, the amount payable for the power which should have been supplied during the time of such interruption and twelve times the last mentioned amount in addition thereto, and all moneys payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any moneys payable by the Corporations to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained the amount of the power, its fluctuations, load factor, power factor, distribution as to phase, and all other electric characteristics and qualities are under the sole control of the Corporations, their agents, customers, apparatus, appliances and circuits.

9. In case any municipal corporation, or any person, firm or corporation which shall contract with the Commission or with any municipal corporation for a supply of power furnished to the Commission by the Company, shall suffer damages by the act or neglect of the Company, and such municipal corporation, person, firm or corporation would, if the Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceeding or bring such action for or on behalf of such municipal corporation, person, firm or corporation, and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such municipal corporation, person, firm or corporation, including the right to recover such damages, but no action shall be brought by the Commission until such municipal corporation, person, firm or corporation shall have agreed with the Commission to pay any cost that may be adjudged to be paid if such proceeding or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.

10. The Commission shall, at least annually, adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

11. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the corporations, parties hereto, in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid, and to be paid by the corporations, parties hereto, appear equitable to the Commission, and are approved by the Lieutenant-Governor-in-Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the corporations, parties hereto, will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such corporation.

In

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof.

No power shall be supplied by any municipal corporation to any railway or distributing company, or any other corporation or person without the written consent of the Commission.

12. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the corporations and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the corporations and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor-in-Council.

13. Each of the Corporations agrees with the other: (*a*) To take electric power exclusively from the Commission during the continuance of this agreement, subject to the provisoes above set forth in paragraph 2 (*b*)

(*b*) To co-operate, by all means in its power, at all times, with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

14. If differences arise between the corporations the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries Concerning Public Matters.

15. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

16. The Corporation of the City of Hamilton and the Commission shall be entitled to all rights and benefits of the said agreement of the 4th day of May, 1908, as if the Corporation was originally a party thereto, and shall apply at the next session of the Legislature of Ontario to have the foregoing agreement validated, ratified and confirmed.

In witness whereof the Commission and the Corporations have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

*Commissioners.*

SCHEDULE

SCHEDULE.

| Column 1. | 2. | 3. | 4. | 5. | 6. | 7. |
|---|---|---|---|---|---|---|
| Name of Municipal Corporation. | Quantity of power applied for in H. P. | Maximum price of power at Niagara Falls. | No. of volts. | Estimated maximum cost of power ready for distribution in municipality. | Estimate proportionate part of cost to construct transmission line, transformer stations and works for nominally 3,000 H. P., with total capacity of 60,000 H. P. | Estimate proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H. P. with total capacity of 60,000 H.P. |
| Toronto ..... | 10,000 | $9.40 for power at 12,000 volts until 25,000 H. P. or more are taken, then $9.00 for all. $10.40 for power at 60,000 volts until 25,000 H. P. or more are taken, then $10.00 for all. If power taken at higher voltage, price to be fixed by arbitration. | Number required by each corporation. | $18.10 | $828,080 | $38,970 |
| London ..... ... | 5,000 | | | 23.50 | 671,089 | 31,578 |
| Guelph ..... | 2,500 | | | 24.00 | 347,420 | 16,350 |
| Stratford ..... | 1,000 | | | 27.10 | 173,580 | ,120 |
| St. Thomas ... . | 1,500 | | | 26.50 | 244,140 | 11,490 |
| Woodstock ..... | 1,200 | | | 23.00 | 155,350 | 7,310 |
| Berlin ..... | 1,000 | | | 24.00 | 138,970 | 6,540 |
| Galt.... .... | 1,200 | | | 22.00 | 143,920 | 6,773 |
| Hespeler..... | 300 | | | 26.00 | 63,200 | 2,974 |
| St. Mary's ..... | 500 | | | 29.50 | 95,677 | 4,502 |
| Preston ..... | 600 | | | 23.50 | 80,530 | 3,789 |
| Waterloo ..... | 685 | | | 24.50 | 98,460 | 4,630 |
| New Hamburg .. | 250 | | | 29.50 | 47,830 | 2,251 |
| Ingersoll ..... | 500 | | | 24.00 | 69,485 | 3,270 |
| Hamilton ..... | 2,000 | | | 17.32 | 104,760 | 9,784 |

## CHAPTER 15.

# An Act respecting Aid from the Dominion of Canada for Agricultural Purposes.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, has empowered the Governor in Council to grant to any Province certain sums of money by way of subsidy for the encouragement of agriculture, and has empowered the Minister of Agriculture, with the authority of the Governor in Council, to enter into an agreement with the Government of any Province setting forth the terms upon which such subsidy is granted and prescribing the conditions under which and the purposes for which it shall be expended;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1**. This Act may be cited as *The Act respecting Federal Grants for Agricultural Purposes.*

Power to enter into agreement.

**2**. The Minister of Agriculture of Ontario, with the authority of the Lieutenant-Governor in Council, may enter into an agreement with the Minister of Agriculture for Canada setting forth the terms upon which such subsidy is accepted and prescribing the conditions under which and the purposes for which it shall be expended.

Application of moneys received.

**3**. Such subsidy shall not form part of the Consolidated Revenue Fund, but all moneys received in respect thereof shall, subject to such agreement, be from time to time set apart by the Lieutenant-Governor in Council for the proper purposes and shall be paid out in the same manner as if such moneys had been appropriated by the Legislative Assembly.

## CHAPTER 16.

### An Act to amend The Algonquin National Park Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 Edw. VII. c. 22. Amended.

**1.** *The Algonquin National Park Act* is amended by adding thereto the following section:

Protection of game, fish, etc., during construction of railway.

21*a*. During the construction and after the completion of any railway passing through the Algonquin National Park, the Minister may appoint as many rangers, officers or guardians as he may see fit for the protection of the fish, animals and birds, and of any other property or interest of the Crown or of the public therein, and the expenses incident to and connected with such service, including the salaries of such rangers, officers or guardians, shall be a debt to the Crown from the railway company, recoverable in any court of competent jurisdiction.

CHAPTER

# CHAPTER 17.

## The Statute Law Amendment Act, 1912.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.**—(1) Subsection 1 of section 116 of *The Ontario Election Act* is amended by inserting after the word "rejected," in the fourth line thereof, the words "and cancelled." 8 Edw. VII. c. 3, s. 116 (2), amended.

(2) Section 119 of the said Act is amended by striking out the word "respectively." 8 Edw. VII. c. 3, s. 119, amended.

(3) Section 165 of the said Act is amended by striking out the word "County," in the fifth line of subsection 1 and in the first line of subsection 2. 8 Edw. VII. c. 3, s. 165, amended.

**2.** *The Public Officers Fees Act* is amended by adding thereto the following as section 4*a*:— 10 Edw. VII. c. 5, amended.

(4*a*) Every Sheriff shall be entitled to retain to his own use in each year his net income up to $6,500, but shall pay to the Provincial Treasurer 90 per cent. of the excess over that sum.

**3.** Section 39 of *The Sheriffs' Act* is amended by striking out the figures "$1,200," where they occur in the said section and substituting therefor the figures "$1,500." 9 Edw. VII. c. 6, s. 39, amended.

**4.** *The Audit Act* is amended by adding after section 12 the following as section 12*a*— 8 Edw. VII. c. 9, s. 12*a* added.

12*a*. Where money is voted for the salaries of officers or clerks in any branch of the Government service, and in consequence of the death or resignation of any such officer or clerk, or through a vacancy otherwise caused, any part of such money not required for the payment Application of moneys voted for salaries during vacancies by death, resignation, etc.

of

of salaries, but required for the remuneration of persons employed to perform work in such branch during the vacancy, the same may be used for that purpose; and any person temporarily employed may be paid out of the appropriation available on account of any such vacancy at such rate, not exceeding the allowance which was payable to such officer or clerk whose office may be vacant, as may be determined by the head of the Department or by the Lieutenant-Governor in Council.

9 Edw. VII. c. 12, s. 6 subs. 3, amended.

**5.** Subsection 3 of section 6 of *The Succession Duty Act* is amended by adding the word "aggregate" before the word "value" in the fourth line of such subsection.

10 Edw. VII. c. 19, s. 8, amended.

**6.**—(1) Section 8 of *The Agricultural Societies Act* is amended by adding the following as subsection 1*a*:—

In case of dispute over name etc., Minister may change same.

(1*a*) In case of a dispute as to the name of any society or in any case where in the opinion of the Minister the name of a society prejudicially affects the interests of another society he may change the name of any society.

10 Edw. VII. c. 19, s. 24 (2) amended.

1 Geo. V. c. 17, s. 49.

(2) Subsection 2 of section 24 of the said Act as enacted by section 49 of *The Statute Law Amendment Act, 1911,* is amended by striking out the words "thirty-first day of December" in the first and second lines thereof, and substituting in lieu thereof the words "fifteenth day of November."

The Ayton Agricultural Society added.

10 Edw. VII. c. 19.

(3) Notwithstanding anything contained in *The Agricultural Societies Act,* the society known as "The Ayton Agricultural Society" is hereby declared to be an Agricultural Society and to have all the rights and privileges of an Agricultural Society under that Act.

10 Edw. VII. c. 20, s. 6, amended.

**7.**—(1) Section 6 of *The Horticultural Societies Act* is amended by adding the following thereto as clause (*a*):—

In cities of 100,000 or over may be two societies, but no society to receive more than $500.

(*a*) Provided, however, that in any city having a population of more than one hundred thousand (100,000) two societies may be organized, but in such case no society in such city shall be entitled to receive an annual grant of more than $500.

10 Edw. VII. c. 20, s. 19 (1), amended.

(2) Subsection 1 of section 19 of the said Act is amended by striking out the words and figures: "an amount not exceeding $8,000," in the first line thereof, and inserting

in

in lieu thereof the words, "such amounts as may be voted by the Legislative Assembly."

(3) Clause (*a*) of the said subsection 1 is amended by striking out the words and figures "$2,400," and inserting in lieu thereof the words, "one-third." 10 Edw. VII. c. 20, s. 19 (1), cl. (*a*), amended.

(4) Clause (*b*) of the said subsection 1 is amended by striking out the words and figures, "$4,800," and inserting in lieu thereof the words "two-thirds." 10 Edw. VII. c. 20, s. 19 (1), cl. (*b*), amended.

(5) Clause (*c*) of the said subsection is hereby repealed. 10 Edw. VII c. 20, s. 19, subs. 1, cl. (*c*) repealed.

**8.** Section 20 of *The Vital Statistics Act* is amended by adding after the words "within ten years after the registration of the birth" in the 5th and 6th lines, the words "or at any time before the child attained his majority," and by adding the following as subsection 2:— 8 Edw. VII. c. 28, s. 20, amended.

(2) If the Registrar-General is satisfied that the certificate mentioned in subsection 1 cannot be obtained, he may make the alteration on such proof of the change as he may deem sufficient.

**9.** *The Queen Victoria Niagara Falls Park Act* is amended by inserting the following section immediately after section 34 as 34*a*:— 10 Edw. VII, c. 21.

34*a*.—(1) The interest of the Crown in the following lands is hereby vested in the Commissioners:—"All and singular that certain parcel or tract of land and premises situate, lying and being in the City (formerly the Village) of Niagara Falls, in the County of Welland, and being composed of that part of Lot Number Five (5) on the East side of Victoria Street or Concession Road between Lundy's Lane and Barker Street, as shown upon Plan No. 653, registered for the said Village of Niagara Falls, being part of The Drummond Hill Lundy's Lane Battle Ground Cemetery, which may be more particularly described as follows: Commencing at the South East corner of the Presbyterian Church Property, being also the North East corner of said Lot 5, thence Westerly along the Southern limit of the said Presbyterian Church property One Hundred and Sixty-seven feet seven and one-half inches more or less to the South West corner of the said Church lands, thence southerly and parallel with Victoria Street Two Hundred and Fifty-nine feet ten and one-half inches more or less to the lands of William Dart, being the Southern boundary of said Lot 5, thence Easterly in the said Southern boundary of Lot 5 One Hundred and Part of Lundy's Lane Battle Ground Cemetery vested in Commission

Sixty-seven

Sixty-seven feet seven and one-half inches to the lands heretofore conveyed by the parties of the First part to His Majesty the King and thence Northerly along the Western limit of the lands so conveyed to His Majesty the King Two Hundred and Fifty-nine feet ten and one-half inches more or less to the place of beginning."

(2) The Commissioners in respect of such land shall have powers for the management, control and improvement thereof similar to those conferred by Part 1.

Rev. Stat. 1897, c. 51, s. 81, repealed.

**10.**—(1) Subsection 2 of section 81 of *The Judicature Act* is repealed and the following substituted therefor—

Judge to follow prior known decisions.

(2) It shall not be competent for any judge of the High Court in any case before him to disregard or depart from a prior known decision of any other judge of co-ordinate authority on any question of law or practice without the concurrence of the judge who gave the decision.

If deems prior decision wrong, may refer case to Divisional Court or Court of Appeal.

(3) If a judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher Court, he may refer the case before him to a Divisional Court of the High Court or to the Court of Appeal.

Divisional Court to follow prior known decision of another Divisional Court.

(4) It shall not be competent for any Divisional Court of the High Court, in any case before such Divisional Court, to disregard or depart from a prior known decision of any other Divisional Court of co-ordinate authority on any question of law or practice, whether it arose under section 74 or otherwise, without the concurrence of the Divisional Court or the judges thereof by whom the decision was given.

If deems prior decision wrong may refer case to Court of Appeal.

(5) If the first mentioned Divisional Court deems the decision previously given to be wrong and of sufficient importance to be considered in a higher Court, such first mentioned Divisional Court may refer the case before them to the Court of Appeal, whose decision, if the case is not one arising under clause 1 of said section 74, shall be final and there shall be no further appeal.

Where case referred to Court of Appeal, papers to be transmitted to Registrar, etc.

(6) Where a case is so referred to the Court of Appeal, the Registrar of the High Court shall transmit the papers to the Registrar of the Court of Appeal, and the case shall thereupon be set down for hearing thereupon and notice of hearing shall be given in like manner as in the case of an ordinary appeal to that Court.

(2)

(2) Section 146 of *The Judicature Act* is repealed and the following substituted therefor:— Rev. Stat. c. 51, s. 146, repealed.

146.—(1) Except on holidays, and subject to rules of Court as to office hours during vacation the offices of the Local Registrars, Deputy Registrars, Deputy Clerks of the Crown and those of the Supreme Court, Court of Appeal and High Court at Osgoode Hall shall be kept open from 10 o'clock in the forenoon until 4 o'clock in the afternoon except on Saturdays when the offices shall be kept open until 1 o'clock in the afternoon. *See* 10 Edw. VII. c. 30, s. 9. Office hours of officers.

(2) With the approval of the Lieutenant-Governor in Council, every Local Registrar, Deputy Registrar, Deputy Clerk of the Crown and County Court Clerk may, by writing under his hand and seal of office appoint a Deputy, who may perform all the duties required to be performed by the officer making the appointment. *See* 10 Edw. VII. c. 60, s. 14. Appointments of deputies.

**11.**—(1) Clause (*b*) of section 16 of *The County Courts Act,* passed in the 10th year of the reign of His late Majesty, chaptered 30, is amended by striking out the word "November" and substituting the word "October" therefor. 10 Edw. VII. c. 30, s. 16, amended.

(2) Clause (*i*) of the said section is amended by striking out the word "November" and substituting therefor the words "on the 4th Tuesday of November."

(3) Subsection 1 of section 39 of *The County Courts Act,* passed in the 10th year of the reign of His late Majesty, chapter 30, is repealed and the following substituted therefor: 10 Edw. VII. c. 30, s. 39, amended.

(1) Any party to a cause or matter may appeal to a Divisional Court of the High Court from any judgment directed to be entered at or after the trial or from a refusal to enter a judgment.

(4) Clause (*c*) of subsection 1 of section 40 of *The County Courts Act* is amended by striking out, after the word "claim," in the second line, the words: "if the decision or order is in its nature final and not merely interlocutory." 10 Edw. VII. c. 30, s. 40 (1) cl. (*c*), amended.

(5) Subsection 2 of the said section 40 is hereby repealed and the following substituted therefor— 10 Edw. VII. c. 30, s. (2), repealed.

"(2)

"(2) This section shall not apply to an order or decision which is not final in its nature but is merely interlocutory or where jurisdiction is given to the judge as *persona designata.*"

9 Edw. VII. c. 30, s. 6, amended.

**12**. Section 6 of *The General Sessions Act* is repealed and the following substituted therefor:—

6. In the Provisional Judicial Districts sittings of the Court shall be held at the same time and place as the sittings of the District Courts for the trial of issues of fact and assessment of damages with or without a jury.

Rev. Stat., c. 60, ss. 180, 181, and 293 to 296 repealed.

**13**. Sections 180, 181 and 293 to 296 of *The Division Courts Act,* R.S.O. 1897, Chapter 60, are repealed.

10 Edw. VII c. 32, s. 45, amended.

**14**.—(1) Section 45 of *The Division Courts Act* is amended by adding thereto the words and figures following, "and the Clerk of the Peace shall be paid by the corporation of the county for his services in taking over the office the sum of $5, together with actual disbursements."

Clerk of the peace to be paid $5.00, etc., on taking over office.

10 Edw. VII c. 32, s. 183, amended, subsec. 9 added.

(2) Section 183 of the said Act is amended by adding thereto the following as subsection 9:—

Consol. Rules 883, 884.

(9) Where lands are on hand for want of buyers a sheriff to whom such execution is directed may endorse thereon a return of "lands on hand for want of buyers" and shall return a certificate of such endorsement to the Clerk of the Division Court from whose office such execution issued in lieu of the writ and such endorsement and the certificate so returned shall be deemed a return of the writ, and thereupon a writ of *venditioni exponas* may be issued by the Clerk for the sale of such lands and the original execution shall remain in force for the residue.

Certificate in lieu of return of fi fa as to goods.

9 Edw. VII. c. 34, s. 90 (1), amended.

**15**.—(1) Subsection 1 of section 90 of *The Jurors Act,* is amended by striking out the words "every day he attends such Court," in the 7th line of the said subsection and inserting in lieu thereof the words "every day on which he is necessarily absent from his place of residence for the purpose of attending such Court."

Application of subsection 1.

(2) The next preceding subsection shall apply to every sittings of the High Court or County or District Court or General Sessions of the Peace held on or after the 31st day of March, 1911.

(3)

(3) The Jurors Books for the District of Manitoulin, as certified by the Acting Clerk of the Peace and delivered to the Judge as provided by subsection 9 of section 44 of *The Jurors Act,* are hereby confirmed and shall be the Jurors Books for use during the present year. Jurors books for Manitoulin confirmed. 9 Edw. VII. c. 34, s. 44 (9).

**16.** Section 2 of *The Absconding Debtors Act* is amended by adding the following— 9 Edw. VII. c. 49, amended.

"Plaintiff" shall include a judgment creditor.

**17.** Form 1 of *The Justices of the Peace Act* is repealed and the following substituted therefor:— 10 Edw. VII. c. 35, Form 1, amended.

## FORM I.

### RETURN OF CONVICTIONS

(To be signed by the Convicting Justice or Justices, see sec. 20.) Form of return of convictions.
Made by me during the quarter ending in A.D., 19 .

| Name of the Prosecutor. | Name of the Defendant. | Nature of the Charge. | Date of Conviction. | Name of Convicting Justice. | Amount of penalty, fine or damages. | When paid or to be paid to said Justice. | To whom fine paid over by said Justice. | If not paid, why not, and remarks, if any. | Amount of Magistrate's fees. | Amount of Constables fees. | Amount of Witness fees. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | $ | $ | $ |

**18.** Subsection 1 of section 6 of *The Police Magistrates Act* is amended by striking out the figures "$3,000" in the sixth line of said subsection and inserting in lieu thereof the figures "$3,500." 10 Edw. VII. c. 36, s. 6, subsec. (1), amended.

**19.** Section 10 of *The Ontario Summary Convictions Act* is amended by adding the following as subsection 3 thereof— 10 Edw. VII. c. 37, s. 10, amended.

(3)

Certiorari not to be granted where appeal adequate remedy.

(3) No such order or conviction shall be removed into the High Court by writ of *certiorari* or otherwise except upon the ground that the appeal provided by any Act under which the conviction takes place or the order is made or by this Act would not afford an adequate remedy.

1 Geo. V. c. 22, s. 12 repealed.

**20.**—(1) Section 12 of *The Public Authorities Protection Act* is repealed and the following substituted therefor—

No action to be brought against constable or bailiff acting under warrant until demand of perusal and copy of same refused. 24 Geo. II., c. 44, s. 6. (Imp.)

12.—(1) No action shall be brought against a constable, Division Court bailiff or other officer, or against any person acting by his order and in his aid, for anything done in obedience to a warrant issued by a Justice of the Peace or Clerk of a Division Court until demand has been made or left at his usual place of abode by the person intending to bring such action or by his solicitor or agent in writing, signed by the person demanding the same, of the perusal and copy of such warrant and the same has been refused and neglected for six days after such demand.

Action to be dismissed if brought after demand complied with.

(2) If, after such demand and compliance therewith by showing the warrant to and permitting a copy thereof to be taken by the person demanding the same, an action is brought against such constable, bailiff or officer, or such person so acting, for any cause without making the Justice or Clerk who issued the warrant a defendant, on producing and proving the warrant at the trial of the action judgment shall be given for the defendant notwithstanding any defect of jurisdiction in such Justice or Clerk.

Where action brought jointly against justice or clerk and constable or bailiff.

(3) If the action is brought jointly against such Justice or Clerk and such constable or bailiff or other officer or person so acting on proof of such warrant, judgment shall be given for such constable or bailiff or other officer and for such person so acting notwithstanding such defect in jurisdiction.

Costs.

(4) If the judgment is given against the Justice or Clerk, the plaintiff shall, in addition to any costs awarded to him, be entitled to recover such costs as he is liable to pay to the defendant for whom judgment is given.

(2) Whereas, owing to an error in the printing of the annual volume of statutes in 1911, the fifteenth section in *The Public Authorities Protection Act* appears in the said volume incorrectly numbered and not expressed as in the said Act as passed by the Assembly and as it received the Royal Assent, and it is expedient publicly to correct the said error; 1 Geo. V. c. 22, s. 15, error corrected.

Therefore it is declared that the true reading and intent of the said fifteenth section of *The Public Authorities Protection Act* is as follows—

15.—(1) No action shall be brought against a Judge, Justice of the Peace or officer for anything done by him under the supposed authority of a statute of Ontario or of the Dominion of Canada which was beyond the legislative jurisdiction of the Legislature of Ontario or of the Parliament of Canada as the case may be, if the action would not lie against him had the statute been within the legislative jurisdiction of the Legislature or Parliament which assumed to enact the same. Protection of those acting under ultra vires statutes.

(2) Where, notwithstanding the provisions of subsection 1, an action is sustainable against a Judge, Justice of the Peace or officer for any act or thing done under the authority of any such statute, the action shall only be maintainable subject to the like provisions as the action would be subject to if the statute was valid; and the like damages and no more shall be recoverable in such action as under the like circumstances could have been recovered if the statute had been valid. Where notwithstanding action is sustainable, extent of liability.

**21**. Item (*d*) of Schedule "A" of *The Coroners Act* is amended by adding thereto the following: "When by railway per mile, 10 cents." 1 Geo. V. c. 23, Sched. "A," Item (*d*) amended.

**22**. Section 17 of *The Constables Act,* is amended by adding after section 4 the following as subsection 4*a*:— 10 Edw. VII. c. 39, amended.

4*a*. Where any member of the Ontario Police Force is engaged in a matter of extradition or other special investigation his travelling and other expenses shall be paid out of the moneys appropriated for the Administration of Justice. Expenses of Ontario Police in special matters.

**23**.—(1) Item 3 in Schedule "A" of *The Administration of Justice Expenses Act,* title, "Constables," is amended by striking out the word "warrant" and substituting therefor the words "to make an arrest." 10 Edw. VII. c. 41, Sched. "A," amended.

(2)

10 Edw. VI. c. 41, s. 14, amended.

(2) Section 14 of said Act is amended by adding the following as subsection 3:—

(3) Notwithstanding anything in this or in any other Act contained, each County shall be entitled to be reimbursed from time to time out of the moneys appropriated to the Administration of Justice for Counties, the amount of such fees paid to County Crown Attorneys for services in attending inquests and preliminary hearings in indictable offences as the Attorney-General shall in his discretion consider proper to be repaid.

Rev. Stat. c. 109, s. 51, (4), amended.

**24.** Subsection 4 of section 51 of *The Unorganized Territory Act* is repealed and the following substituted therefor:—

(4) Or shall prevent any Court or Magistrate in any District from directing the committal either for safe custody or for punishment of any person whom it may be expedient to commit to the Gaol of another District and the gaols of the several Districts shall be Common Gaols for all the Districts as well as for those in which they are situated.

1 Edw. VII. c. 50, amended.

**25.**—(1) *The Petty Trespass Act* is amended by adding the following section:—

By-laws to declare boundaries in marshes.

5*a*. The council of a Township may pass by-laws for declaring that in the case of land, the boundary line, or any part of the boundary line, of which passes through a marsh or swamp, or any land covered with water, the same, so far as respects that part of the boundary line which so passes, shall be deemed to be wholly enclosed within the meaning of this Act, if posts are maintained along such part at distances which will permit of each being clearly visible from the next post.

3 Edw. VII. c. 19, s. 545, par. 7, repealed.

(2) Paragraph 7 of section 545 of *The Consolidated Municipal Act, 1903,* is repealed.

10 Edw. VII. c. 56, s. 21 (7), amended.

**26.**—(1) Subsection 7 of section 21 of *The Devolution of Estates Act* is amended by adding at the beginning thereof the words "Section 20 and."

10 Edw. VII. c. 56, s. 23, amended.

(2) Subsection 1 of section 29 of the said Act is amended by inserting after the first word the words "real and."

**27.**

**27**. *The Quieting Titles Act* is amended by striking out in Form 3 the figures 22 in the fifth line thereof, and substituting therefor the figures 23. 10 Edw. VII. c. 59, Form 3, amended.

**28**. Subsection 2 of section 2 of *The Definition of Time Act* is repealed and the following substituted therefor:— 10 Edw. VII. c. 62, s. 2 (2), repealed.

(2) As regards that part of the Province which lies east of the meridian of 90 degrees west longitude, Standard time shall be reckoned as five hours behind Greenwich time. Standard time, east of 90 degrees west longitude.

**29**. *The Assignments and Preferences Act* is amended by adding thereto the following as section 14*a*:— 10 Edw. VII. c. 64, amended, s. 14*a* added.

14*a*. Where the Crown has a claim in respect of estreated bail against the estate of a person who makes an assignment for the benefit of his creditors the Lieutenant-Governor in Council may waive any preference in respect of such claim which the Crown has against such estate by virtue of its prerogative right. Waiver of Crown.

**30**.—(1) Subsection 5 of section 5 of *The Marriage Act* is amended by striking out the words "date of the marriage and the names and descriptions of the witnesses" in the fifth and sixth lines and substituting therefor the words "particulars mentioned in Form 4." 1 Geo. V., c. 32, s. 5 (5), amended.

(2) Section 17 of the said Act is amended by inserting after the word "insane," in the third line thereof, the words "or after he has been deposed from his ministry." 1 Geo. V. c. 32, s. 17, amended. Minister etc., not to perform marriage ceremony after deposed from ministry.

(3) Subsection 1 of section 20 of the said Act is amended by substituting for the figures "17" in the last line, the figures "18." 32, s. 20 (1), amended.

(4) Subsection 2 of section 20 of the said Act is repealed and the following substituted therefor:— 1 Geo. V. c. 32, s. 20 (2), repealed.

(2) The affidavits and evidence mentioned in subsection 1 shall be endorsed upon or attached to the license or certificate and the consent mentioned in section 15 shall be attached to it. Affidavits, etc., to be endorsed upon or attached to license or certificate.

(5) Subsection 3 of the said section is repealed, and the following substituted therefor as section 20*a*:— 1 Geo. V. c. 32, s. 20 (3), repealed.

"20*a*. Every issuer or deputy issuer of marriage licenses shall immediately upon issuing a marriage Particulars to be returned by issuer.

license

license or certificate fill up on a form such of the particulars mentioned in Form 4 as he is able to give, and shall forward the same forthwith to the Registrar-General.

1 Geo. V. c. 32, Form 5, repealed.

(6) The final paragraph of Form 5 of the said *Marriage Act* is repealed and the following substituted therefor:—

By the Revised Statutes of Canada, 1906, c. 105, s. 2, it is enacted that "A marriage is not invalid merely because the woman is a sister of a deceased wife, or a daughter of a sister of a deceased wife of the man."

1 Geo. V. c. 35. s. 27 (2) repealed.

**31**.—(1) Subsection 2 of section 27 of *The Infants Act* is repealed.

1 Geo. V., c. 35, s. 5, amended.

(2) Section 5 of the said Act is amended by inserting after the word "thereof," in the fourth line, the words "or of any timber, not being ornamental, growing thereon."

1 Geo. V. c. 42, ss. 6, 7, 8, 9, 10, repealed.

**32**. Subsections 6, 7, 8, 9 and 10 of section 44 of *The Surveys Act* are repealed and following substituted therefor—

Where street closed, part closed shall belong to owner of land abutting thereon.

(6) Where a street which has been laid down upon the plan but has not been established by by-law of the municipal corporation, or otherwise assumed by it for public use, is closed in whole or in part by an alteration of the plan under *The Registry Act, The Land Titles Act,* or other provision in that behalf, the part so closed shall belong to the owners of the land included in the plan and abutting thereon.

How owners of abutting lands to take.

(7) Where several parcels of land included in the plan having different owners abut on the street, or part thereof, so closed, the owner of each parcel shall be entitled to that part of the street so closed on which his land abuts to the middle line of the street and where there are several owners of an abutting parcel each shall be entitled to the like estate or interest in such part as he has in the parcel of land abutting thereon.

Where allowance abuts on one side of stream, etc.

(8) Where any part of the street so closed is abutted on one side by another road or street or by a stream, river or other body of water over which the public have rights of navigation or of floating logs, the whole width of such part shall belong to the owners whose lands abut thereon opposite such street, stream, river or water.

(9)

(9) The division line between two adjoining parcels produced to the middle line of the closed street or across such street in cases coming within subsection 8 shall be the division line between the parts of the closed street to which the owners of such parcels are respectively entitled. Division line between adjoining parcels.

(10) Where there is an encumbrance on a parcel of land abutting on the street, or part thereof, closed, it shall extend to and include the part thereof to which the owner of such parcel becomes entitled under this section. Where incumbrancers to be deemed owners.

(11) The word "street," in subsections 6 to 10, shall include a lane, an alley and an allowance for road. *New.* Street, definition of.

**33.** Section 1 of *The Act respecting the Construction of Roads by Mining Companies* is amended by inserting after the word "tramways" in the 2nd and 8th lines of the said section the words "or an aerial tramway" and by striking out the words "13 to 20 inclusive of *The Railway Act of Ontario* in that behalf headed LANDS AND THEIR VALUATION" and inserting in lieu thereof the words "59 to 74 inclusive of *The Ontario Railway Act.*

R.S.O., c. 198, s. 1, amended.

Aerial Tramway provided for.

6 Edw. VII. c. 30.

**34.**—(1) Section 476 of *The Consolidated Municipal Act, 1903,* is repealed.

3 Edw. VII. c. 19, s. 476, repealed, s. 549*a* added.

(2) The said Act is amended by adding the following as section 549*a*:—

549*a*. Where a person is convicted of being found drunk or disorderly in a public place contrary to a municipal by-law, within three months after a prior conviction for a like offence, he may be committed by the Police Magistrate or Justice of the Peace, before whom he is convicted, to an Industrial Farm of the locality in which the order for committal is made for an indeterminate period not exceeding two years.

Persons convicted of being found drunk or disorderly within 3 months after prior conviction may be committed to Industrial Farm.

**35.**—(1) Section 1 of *The Act to provide for the Incorporation of Towns in Territorial Districts,* is amended by striking out the words "in any of the Districts of Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay and Rainy River," and inserting in lieu thereof the words "in any of the Territorial Districts."

2 Edw. VII. c. 30, s. 1 amended.

(2) Section 3 of the said Act is amended by adding the following subsection:—

2 Edw. VII. chap. 30, s. 3, amended.

(2)

(2) In case the Council of any city or town by resolution declare that it is expedient that the whole or any portion of an adjacent unorganized township should be annexed to the city or town, the Ontario Railway and Municipal Board may, on the application of said Council, by Order, to take effect upon some day to be named therein, annex to the city or town such adjacent township or such portion thereof upon such terms and conditions as shall be determined by the said the Ontario Railway and Municipal Board, and such order shall have the same force and effect and be as binding as to its terms and conditions as if they were embodied in an Act of the Legislature.

10 Edw. VII. c. 90, s. 77, amended.

**36.**—(1) Subsection 3 of section 77 of *The Municipal Drainage Act* is amended by striking out the word and figures "section 95," in the last line of the said subsection and inserting in lieu thereof the word and figures " section 75."

10 Edw. VII. c. 90, s. 77*a* added.

(2) The said section is amended by inserting therein the following as section 77*a*—

Report of engineer as to work under ss. 71, 72 or 73 not essential.

77*a*. Nothing contained in sections 76 or 77 shall be construed as requiring a municipal council to procure the report of an engineer before undertaking any work in pursuance of sections 71, 72 or 73.

10 Edw. VII. c. 90, amended.

**37**. *The Municipal Drainage Act* is amended by adding after section 101 the following as section 101*a*:—

Carrying work through railway lands—service of report, etc., on company.

101*a*.—(1) Whenever by the report of an engineer or surveyor, drainage works are proposed to be carried upon, along, under or across the lands of any railway company, the Council initiating the scheme shall serve the Railway Company with a copy of the report, plans, specifications, assessments or other estimates of the engineer or surveyor of the proposed works, and the Company so served shall at any time within three weeks after such service have a right to appeal to the referee upon any question arising in connection with that portion of the drain or drainage work upon, along, under or across its railway or lands.

Jurisdiction of Referee on appeal.

(2) Upon any appeal under the preceding section, the referee shall hear and adjudicate upon all questions raised in the notice of appeal, may amend the report appealed from and make such order in the premises as may be deemed just.

(3)

(3) The cost of such appeal to the referee shall be payable by the Railway Company, appellants, in any event. Costs of appeal.

**38**. Authority is hereby given for payment of an allowance to the members of the Select Committee on the Bill relating to Insurance Law during the interval between the present and the last past session of the Legislature at the rate of $10 per diem for each day's actual attendance and time occupied in going to and returning from the meetings of the Committee. Allowance to members of Select Committee on Insurance.

**39**. The Treasurer of Ontario is authorized to pay out of the Consolidated Revenue Fund accounts regularly approved by the King's Printer and by the Treasurer for Legislative and Departmental printing, paper and stationery and other supplies delivered to the King's Printer to an amount not exceeding in any financial year the sum of One Hundred and Fifty Thousand Dollars. Payment for supplies in King's Printer's office.

**40**.—(1) The Lieutenant-Governor in Council is authorized to purchase on behalf of Ontario out of the Consolidated Revenue Fund any or all of the municipal debentures issued or to be issued under the following by-laws:— Lieutenant-Governor in Council authorized to purchase debentures of

(*a*) By-law No. 498 of the Corporation of the Village of Eganville intituled "A By-law to raise by way of loan the sum of Eleven Thousand Five Hundred Dollars for the purpose of the erection of a school house for the Eganville Public School." Eganville for $11,500.

(*b*) By-law No. 46 of the Town of Cochrane for raising $38,500 for the purpose of erecting and furnishing a Public School and Gaol, purchasing sewer pipe and plant, constructing sidewalks and crossings and for other purposes. Cochrane for $38,500.

(*c*) A proposed By-law of the Township of Whitney for raising $20,000 for the purpose of installing a waterworks system at Golden City, fire pump at Lake View and for other purposes. Whitney for $20,000.

(*d*) By-law No. 21 of the Corporation of the Township of Tisdale to borrow $40,000 for the purpose of erecting and furnishing Public School Buildings, extending the waterworks system, installing a more efficient system of fire protection, constructing bridges, sidewalks and crossings and for other purposes. Tisdale for $40,000.

By-laws confirmed.

(2) The said By-laws, No. 498 of the Village of Eganville and No. 46 of the Town of Cochrane, are confirmed and declared to be legal, valid and binding, and the proposed by-law of the Township of Whitney and By-law No. 21 of the Township of Tisdale after the same have been first approved of by the Lieutenant-Governor in Council, and after such approval, have been submitted to and approved of by the electors qualified to vote on money by-laws shall be legal, valid and binding.

Terms of purchase from Eganville.

(3) The said debentures of the Village of Eganville may be purchased at such premium as will produce a revenue to the Province of not less than 4 per cent. interest per annum.

The Toronto, Lindsay and Pembroke Railway. Time for earning subsidy extended.

**41**. The time for earning the subsidy granted to the Toronto, Lindsay and Pembroke Railway by the Act passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, chaptered 29, as amended by section 45 of *The Statute Law Amendment Act, 1907,* and by section 38 of *The Statute Law Amendment Act, 1910,* is extended to the first day of December, 1914, notwithstanding anything contained in section 6 of the first recited Act or the amendments thereto.

The Toronto, Lindsay and Pembroke Railway. Times for commencement and completion of railway extended.

**42**. Notwithstanding anything contained in section 37 of *The Statute Law Amendment Act, 1910,* the times for the commencement and completion of the Toronto, Lindsay and Pembroke Railway shall be one and two years respectively from the first day of April, 1912, and the commencement and completion of the said railway by the said respective periods shall be a due compliance with the provisions of the Act incorporating the said company and the amendments thereto as if the said periods had been named therein.

Land grant to Keewatin Railway Company may be made if railway commenced within two and completed within three years.

**43**.—(1) The land grant to the Lac Seul, Rat Portage and Keewatin Railway Company of one thousand acres per mile through the town of Kenora northerly to the Transcontinental Railway, a distance not exceeding twenty miles, authorized by section 2 of the Act passed in the 9th year of the reign of His late Majesty King Edward the Seventh, chaptered 69, may be made to the said company subject to the condition that the line of railway of the said company shall be commenced within two years and completed within three years from the time of the passing of this Act, and subject in other respects to the terms and conditions of the said Act.

9 Edw. VII. c. 69.

(2)

(2) Clause (*a*) of section 4 of the said Act as enacted by section 65 of *The Statute Law Amendment Act, 1911,* is repealed. 9 Edw. VII. c. 69, s. 4, cl. (*a*) repealed.

**44.** Notwithstanding anything contained in section 4 of the Act passed in the ninth year of the reign of His late Majesty, King Edward VII., and chaptered 69, the time for the commencement and completion of the Bruce Mines and Algoma Railway Company's line of railway from its present terminus at or near Rock Lake, for a distance not exceeding six miles in a northerly direction, shall be one year and two years respectively from the date of the passing of this Act and the commencement and completion of the said line of railway within the said respective periods shall be a due compliance with the provisions of the said Act as if the said periods had been named therein. The Bruce Mines and Algoma Railway. Time for earning subsidy extended.

**45.**—(1) The time for earning the subsidy granted to the Irondale, Bancroft and Ottawa Railway by the Act passed in the second year of the reign of His late Majesty, King Edward the Seventh, is extended to the 31st day of December, 1913, and such subsidy shall not be deemed to have lapsed notwithstanding anything contained in any former Act relating thereto. Extension of time for earning subsidy to Irondale, Bancroft and Ottawa Railway.

(2) Section 5 of *The Act respecting aid to certain Railways,* passed in the second year of the reign of His late Majesty, King Edward the Seventh, chaptered twenty-five, as amended by section 25 of *The Statute Law Amendment Act, 1907,* and by section 25 of *The Statute Law Amendment Act, 1910,* is further amended by striking out the words "31st day of December, 1911," and inserting in lieu thereof the words "31st day of December, 1913." 2 Edw. VII. c. 25, s. 5, amended.

**46.** *The Act respecting the City of Hamilton,* passed at the present session of the Legislature, is amended by adding the following section, and the said section shall be incorporated in the said Act in the Annual Volume of the Statutes:— 2 Geo. V. c. 101, amended.

"2. The debentures to be issued under By-laws passed under this Act may be dated the 1st day of April 1912, and may bear interest computed from that date at the rate aforesaid, payable half-yearly, and may be issued at any time within two years after the passing of the respective By-laws above mentioned." Issue of debentures of City of Hamilton.

47.

2 Geo. V. c. 18 s. 2, amended.

Privy Council appeals

**47.**—(1) Section 1 of *The Act to amend The Privy Council Appeals Act* passed at the present session of the Legislature is amended by inserting at the beginning of substituted section 5, the words "subject to the provisions of *The Guarantee Companies Securities Act.*"

2 Geo. V. c. 18, amended.

(2) The said Act is amended by adding thereto the following as section 4:—

Commencement of Act

"4. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation."

(3) The amendment made by this section in the said Act shall be incorporated therewith in the Annual Volume of the Statutes.

2 Geo. V. c. 27, s. 3, amended.

**48.** The clause lettered (*e*) in section 3 of *The Barristers Act*, passed at the present Session of the Legislature, is amended by inserting after the word "called" in the first line the words "or admitted or is entitled to be called or admitted," and by inserting after the word "call" in the seventh line the words "or admission or of the right to be called or admitted," and the Act shall be printed as so amended in the Annual Volume of the Statutes.

Who may be called to the Bar.

2 Geo. V. c. 43, amended.

**49.** *The Act respecting Surveys and Plans of Land in certain Cities and their Suburbs* passed this session is amended by adding thereto the following section:

Commencement of Act respecting plans in suburbs.

This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

And such amendment shall be made in the said Act in the annual volume of the Statutes.

2 Geo. V. c. 31, s. 206, (1), cl. (*e*), amended.

7 Edw. VII. c. 34.

**50.** Cause (*e*) of subsection 1 of section 206 of *The Ontario Companies Act*, passed at the present Session of the Legislature, is amended by adding after the word "Act" at the end thereof, the words "or under *The Ontario Companies Act (1907)*" and the said amendment shall be incorporated in the said Act in the Annual Volume of the Statutes.

2 Geo. V. c. 85, s. 17, amended.

**51.** Section 17 of *The Hospital and Charitable Institutions Act*, passed at the present Session of the Legislature, is amended by adding thereto the following as subsection 2, and the same shall be incorporated in the said Act in the Annual Volume of the Statutes:—

Rights under existing agreements between University and hospital confirmed.

2. Nothing in this section shall prejudice or interfere with any agreement existing between any University and any hospital.

CHAPTER

# CHAPTER 18.

An Act to amend The Privy Council Appeals Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Sections 4 and 5 of *The Privy Council Appeals Act* are hereby repealed and the following substituted therefor: 10 Edw. VII. c. 24, ss. 4 and 5, superseded.

4. Subject to Rules of Court, upon the perfecting of such security, execution shall be stayed in the original cause except in the following cases: When execution to be stayed.

(*a*) If the judgment appealed from directs the assignment or delivery of documents or personal property, execution shall not be stayed until the things directed to be assigned or delivered have been brought into the Court of Appeal or placed in the custody of such officer or receiver as that Court or a Judge of it appoints, or until security has been given to the satisfaction of that Court or a Judge of it, and in such sum as may be directed, that the appellant will obey the order of the Privy Council; Exceptions until assignment or delivery of documents or security therefor.

(*b*) If the judgment appealed from directs the execution of a conveyance or any other instrument, execution shall not be stayed until the instrument has been executed and deposited with the proper officer, to abide the judgment of the Privy Council; Until execution of instrument.

(*c*) If the judgment appealed from directs the sale or delivery of possession of real property or chattels real, execution shall not be stayed until security has been entered into to the satisfaction of the Court of Appeal, or a Judge thereof, and in such sum as such Court or Judge of it directs that during Until security not to commit waste.

ing the possession of the property by the appellant he will not commit or suffer to be committed any waste on the property, and if the judgment is confirmed he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession of it, and also in case the judgment is for the sale of property and the payment of a deficiency arising upon the sale, that the appellant will pay the deficiency;

Until security to pay debt and costs.

(*d*) If the judgment appealed from directs the payment of money, execution shall not be stayed until the appellant has given security to the satisfaction of the Court of Appeal or a Judge thereof that if the judgment or any part of it is affirmed the appellant will pay the amount thereby directed to be paid or the part of it as to which the judgment may be affirmed, if it is affirmed only as to part, and all damages awarded against the appellant on the appeal. Con. Rule, 832, *part.*

Forms, etc., of security.

5. Subject to the provisions of *The Guarantee Companies Securities Act*, the security shall be by the bond, Form 1, of two sufficient sureties, each of whom shall make affidavits of justification, Form 2. Con. Rule 831, *part.* (*See* 2 Geo. V., c. 17, s. 47 (1).)

For payment of money, etc.

5*a*. Where security is to be given for payment of money, directed by the judgment or order appealed from to be paid, either as a debt or for damages or costs, the bond shall be in double the amount by the judgment or order directed to be paid; but where security is to be given in a sum in excess of $2,000, the Court of Appeal or a Judge thereof may allow it to be given by a larger number of sureties, apportioning the amount among them as may be deemed proper; and where the amount directed to be paid exceeds $10,000, may allow the security to be given for such amount less than double the amount directed to be paid as may be deemed proper. Con. Rule 830 (5).

Sale, etc., of property.

5*b*. Where the judgment appealed from directs the sale or delivery of possession of real property or chattels real, the bond shall be in double the yearly value of the property. Con. Rule 830 (6).

Filing of bond.

5*c*. The bond, with an affidavit of the due execution of it, and the affidavits of justification, shall be filed in the office in which the action or matter was commenced, and shall be deemed to be perfected and allowed, unless within 14 days after being served with notice of the filing the respondent moves for its disallowance; but the appellant may, after the filing

filing, make a special application before the expiration of such 14 days to stay execution. Con. Rule 830 (7).

Instead of bond money may be paid into Court.

5*d*. Instead of giving a bond the appellant may, without order, pay into Court a sum equal to half the penalty of the bond in cases within section 5 or section 5*b*, or equal to the amount by the judgment or order directed to be paid in cases within 5*a*, and the money when so paid in shall stand as security in lieu of a bond, but either party may apply to the Court or a Judge to increase or diminish the amount to be paid into Court. Con. Rule 830 (8). *Amended.*

Fiat for stay.

5*e*. When the security has been perfected and allowed, a Judge of the Court of Appeal may issue his fiat to the Sheriff to whom any execution upon the judgment has been issued, to stay the execution, and the execution shall be thereby stayed, whether a levy has been made under it or not; but if the grounds of appeal appear to be frivolous, the Court of Appeal or a Judge of it may order execution to issue or to be proceeded with. Con. Rule 834.

When appeal frivolous, Court or Judge may order execution to issue.

Repeal.

**2**. Rules 831 to 833 of the Consolidated Rules of Court are hereby repealed.

When Act not to apply.

**3**. This Act shall not apply to cases in which the security has been perfected under the provisions of the sections hereby repealed.

Commencement of Act.

**4**. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation. (*See* 2 Geo. V., c. 17, s. 47 (2).)

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FORM 1.

Know all men by these presents that we (*naming all the obligors, with their places of residence and additions*), are jointly and severally held and firmly bound unto (*naming the obligees, with their places of residence and additions*), in the penal sum of dollars, for which payment, well and truly to be made, we bind ourselves, and each of us and our and each of our heirs, executors and administrators, respectively, firmly, by these presents.

Dated this day of

Whereas (the appellant) complains that, in the giving of a certain judgment in a certain suit in His Majesty's Court of for Ontario, between (*naming the parties to the cause*), manifest error hath intervened, wherefore the appellant desires to appeal from such judgment to His Majesty in His Privy Council.

(*Where it is desired also to give security in order to stay execution, insert*, And whereas the appellant is desirous of having the execution of the judgment stayed pending the appeal.)

Now the condition of this obligation is such, that if the appellant do and shall effectually prosecute such appeal, and pay such costs

and

and damages as shall be awarded, in case the judgment to be appealed from shall be affirmed or in part affirmed. (*In order to stay execution where the judgment directs the sale or delivery of possession of property, add,* And during the possession of the property in question in the action (*or otherwise describing it*) by the appellant, he shall not commit or suffer to be committed any waste on the property, and that if the judgment be affirmed, or in part affirmed, he shall pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof) (*add, if ordered, in case the judgment is for the sale of the property and payment of any deficiency arising upon the sale,* and that in case of any deficiency arising upon a sale as directed by the judgment he shall pay the amount of the deficiency), or the part of it as to which the judgment may be affirmed if it be affirmed only as to part (*add, if ordered where the judgment directs the payment of money,* and shall pay the amount by said judgment directed to be paid, either as a debt or for damages or costs or the part of it as to which the judgment may be affirmed, if it is affirmed only as to part, and all damages and costs awarded against the appellant on such appeal) (*where the judgment directs the delivery of documents or personal property, add,* And shall obey the order to be made by His Majesty in His Privy Council) then this obligation shall be void, otherwise to remain in full force.

(*Where the security is given pursuant to any order, the bond will recite the order and the condition will be varied, if necessary, according to the terms of the order.*)

Signed, sealed and delivered, in the presence of

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FORM 2.

AFFIDAVIT OF JUSTIFICATION.

Between:

A. B. (Respondent), Plaintiff;

v.

C. D. (Appellant), Defendant.

I, E. F., of make oath and say as follows:

1. I am one of the sureties to the annexed bond.

2. I am a resident inhabitant of Ontario, residing at , and am a householder in (*or* a freeholder in ).

3. I am worth and own property to the amount of (*the sum mentioned as the penalty, or such sum as the deponent is bound in*) over and above what will pay all my debts (*if surety in any other matter, add,* And every other sum for which I am liable or for which I am bail or surety).

4. I am not bail or surety for any plaintiff or defendant except in this action (*or if bail or surety in any other cause or matter, add,* And except for G. H., in an action in the High Court in which X. Y. is plaintiff and G. H. is defendant) in the sum of $ , (*or as the case may be, specifying the several causes or matters with the Court in which each is, and the sums in which the deponent is bail or surety*).

5. And I, J. H., of , make oath and say as follows: (*in similar terms as the case may require; or separate affidavits may be made*).

The above named deponents, E.F. and J.H., were sworn, etc., the day of 19 , before me.

*Commissioner, etc.*

CHAPTER

## CHAPTER 19.

# An Act to amend The County Judges Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

9 Edw. VII. c. 29, s. 5, sub-sec. 3, amended.

Sub-section 3 of section 5 of *The County Judges Act,* being chapter 29 of the Acts passed in the 9th year of the reign of His late Majesty, is amended by adding the word "Lincoln" after the word "Grey" in the 4th line of the said sub-section.

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# CHAPTER 20.

## An Act to amend The Surrogate Courts Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 Edw. VII., c. 31, s. 29, amended.

**1.** Section 29 of *The Surrogate Courts Act* is amended by adding the following as subsection 3:—

(3) Additional sittings may be held at such time as the Judge may direct or appoint, and shall be held as often as may be requisite for the due despatch of business.

10 Edw. VII., c. 31, s. 54, amended.

**2.** Section 54 of the said Act is amended by adding the following as subsection 1*a*:—

(1*a*) Subject to subsection 2, where a person dies wholly intestate as to his property, or leaving a will affecting property but without having appointed an executor thereof, or an executor willing and competent to take probate and the persons entitled to administration, or a majority of such of them as are resident in Ontario, request that another person be appointed to be the administrator of the property of the deceased, or of any part of it, the right which such persons possessed to have administration granted to them in respect of it shall belong to such person.

10 Edw. VII., c. 31, s. 54 amended.

**3.** Section 54 is further amended by adding the following as subsection 3: —

(3) A trust company may be appointed as administrator under subsection 1*a* or subsection 2, either alone or jointly with another person.

**4.**

**4.** Section 73 of the said Act is repealed and the following substituted therefor:— 10 Edw. VII., c. 31, s. 73 amended.

Fees where estate does not exceed $400.

73.—(1) Where letters probate, letters of administration or letters of guardianship are sought and the whole property of the deceased or of the ward does not exceed in value $400, the Registrar shall prepare the necessary papers to lead grant, including all papers and proofs required by *The Succession Duty Act*, and the bond, if any, and administer the necessary oaths; and the total amount to be charged to the applicant for all the proceedings and services shall be $2.

Where exceeds $400, but not $1,000.

(2) Where letters probate, letters of administration or letters of guardianship are sought, and the whole property of the deceased or of the ward exceeds in value $400, but does not exceed $1,000 the fees payable to the Judge and the Registrar shall be one-half of the fees payable according to the tariff in the case of an estate not exceeding in value $1,000.

Judge may satisfy himself as to real value.

(3) If the Judge has reason to believe that the property exceeds in value $400 or $1,000 as the case may be, he shall refuse to proceed with the application until he is satisfied as to the real value.

Fees where estate consists of insurance moneys and wearing apparel.

(4) Subject to the provisions of subsection 1, where the whole property of the deceased or of the ward consists of insurance money or of insurance money and wearing apparel, although general letters probate, general letters of administration or letters of guardianship are sought, the fees payable thereon shall be as follows:—

| | |
|---|---|
| Where the insurance money does not exceed $1,000 | $4 00 |
| Where the insurance money exceeds $1,000, but does not exceed $2,000 | 6 00 |
| Where the insurance money exceeds $2,000, but does not exceed $3,000 | 8 00 |

(5) The Lieutenant-Governor in Council may apportion the fees payable between the Judge and the Registrar.

Fees to be exclusive of fees payable to Crown.

(6) The fees prescribed by this section shall be exclusive of the fees payable to the Crown under Schedule "A" (2) and shall not include the fees payable in respect of contentious business.

CHAPTER

# CHAPTER 21.

## An Act to Create the Territorial and Provisional Judicial District of Temiskaming.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

District of Temiskaming formed of

**1.** The following parts of the Territorial Districts of Sudbury and Nipissing are hereby detached therefrom and shall form a Territorial District, to be known as the Territorial District of Temiskaming:

Part of Sudbury and

Firstly, That part of the District of Sudbury included within the following limits, that is to say;

Commencing at a point on the south shore of James Bay where the same is intersected by the boundary line between the Territorial Districts of Sudbury and Nipissing; thence south astronomically along said district boundary 275 miles, more or less, to the south-east angle of the township of Geikie, which angle is 2 chains, 19 links south of the 96th mile post on said district boundary as run by Ontario Land Surveyor Alexander Niven, in 1896; thence west astronomically along the south limit of the townships of Geikie, Bartlett, Musgrove, Doyle, Childerhose and Pharand, a distance of 36 miles, more or less, to the south-west angle of the last named township; thence north astronomically along the west limit of the townships of Pharand, Hillary, Keefer and Whitesides, a distance of 24 miles, more or less, to the north-west angle of the last named township; thence west astronomically along Ontario Land Surveyor Alexander Niven's base line in Latitude 48 degrees, 27 minutes, 54 seconds north, 36 miles to the 72nd mile post on said base line; thence north astronomically 51 miles, more or less, to the south-west angle of the township of Sulman; thence north, astronomically, along the west limit of the townships of Sulman, Owens, Williamson and Nixon, 36 miles, more or less, to the north-west angle of the last named township; thence continuing north, astronomically, 140 miles, more or less, to the middle

thread

thread of the Albany River or the northern boundary of the District of Sudbury; thence northeasterly along the middle thread of said river, with the stream, to James Bay and easterly along the south shore of said bay to the place of beginning;—

Part of Nipissing.

Secondly, That part of the District of Nipissing included within the following limits, that is to say;

Commencing at a point on the south shore of James Bay where the same is intersected by the boundary line between the Territorial Districts of Sudbury and Nipissing; thence south, astronomically, along said district boundary 329 miles, more or less, to the north-west angle of the township of Stull, which angle is 4 chains, 55 links south of the 42nd mile post on Ontario Land Surveyor Alexander Niven's district boundary as run in 1896; thence east, astronomically, along the north limit of the townships of Stull, McLeod, Ellis, Parker, Selby and Sladen, 37¾ miles, more or less, to the north-east angle of the last named township; thence south, astronomically, along the east limit of said township of Sladen, 6 miles, more or less, to the south-west angle of the township of Medina; thence east, astronomically, along the south limit of the townships of Medina, Cole and Brigstocke, 18 miles, more or less, to the south-east angle of the last named township; thence east, astronomically, 12 miles, more or less, to the south-west angle of the township of Lorrain; thence south, astronomically along Ontario Land Surveyor Alexander Niven's meridian line run in 1885, 12 miles, to the south-east angle of the township of Cassels; thence east, astronomically, 10 miles, more or less, to the Inter-provincial boundary between the Provinces of Ontario and Quebec in Lake Temiskaming; thence northerly, following the said boundary line through Lake Temiskaming to the north shore of said lake; thence continuing north, astronomically, along said inter-provincial boundary to the southerly shore of James Bay; thence westerly and northwesterly along the south shore of said James Bay to the place of beginning.

Application of Rev. Stat., c. 109.

**2.** The said territory comprised within the said Territorial District of Temiskaming shall from and after the date named for this Act taking effect, be formed into a provisional judicial district by the name of "the Provisional Judicial District of Temiskaming" as if the same had been so declared by the Lieutenant-Governor under *The Unorganized Territory Act* and the enactments contained in the said Act relating to provisional judicial districts formed by proclamation shall apply to the said District except where inconsistent with this Act.

District town.

**3.** The District Town of the said Provisional Judicial District of Temiskaming shall be chosen and fixed by the Lieutenant-Governor in Council.

**4.**

Sittings of Courts

**4.** Sittings of the District Court and of the General Sessions of the Peace shall be held each year at the District Town on the first Tuesday of the months of June and November.

Rev. Stat., c. 109, s. 22 amended.

**5.** Section 22 of *The Unorganized Territory Act* is amended by inserting the words " at the District Town of the District of Temiskaming " after the word " Sudbury " in the third line of the said section.

Rev. Stat., c. 109, s. 32, subs. 1, amended.

**6.** Subsection 1 of section 32 of *The Unorganized Territory Act* is amended by inserting the word " Temiskaming " after the word " Sudbury " in the 2nd line of the said subsection.

Rev. Stat., c. 109, s. 33 amended.

**7.** Section 33 of *The Unorganized Territory Act* is amended by inserting the words " or in the District of Temiskaming " after the word " Sudbury " in the 4th line of the said section.

Appointments, etc., may be made before Act comes into force.

**8.** Any appointments to be made under this Act and any security to be given or oaths taken, may be made, given or taken at any time after the passing hereof.

Act to be brought into force by proclamation.

**9.** The preceding section of this Act shall go into force on the passing hereof and the other parts of this Act shall come into force at such time as may be named by order of the Lieutenant-Governor in Council. After the day named by said Order in Council and until a district Judge is appointed for the Provisional Judicial District of Temiskaming, except where it is by this Act otherwise provided, the Judges of the Provisional Judicial Districts of Sudbury and Nipissing and all other officers shall have jurisdiction and authority in respect of all matters and things in the said Provisional Judicial District of Temiskaming, and also in the Provisional Judicial Districts of Sudbury and Nipissing as at present.

Act incorporated with Rev. Stat., c. 109.

**10.** This Act shall, so far as it may be necessary to give effect thereto, be read with and as part of *The Unorganized Territory Act.*

Courts established.

**11.** There are hereby established for the said district a District Court and a Surrogate Court. The District Court shall be presided over by a judge to be appointed in accordance with the provisions of section 6 of *The Unorganized Territory Act* and the District Judge shall be the Judge of the Surrogate Court.

Sittings of High Court.

**12.**—(1) Sittings of the High Court for the trial of civil and criminal cases and for other purposes shall be held twice a year at the district town on such days as may be from time to time appointed therefor by the Judges of the High Court. If the Judges of the High Court ascertain on any occasion that any sitting is not required for the due administration of justice it shall not be necessary to appoint a day for the holding thereof.

Precepts for summoning jurors.

(2) In case the sittings are to be held the Judges of the High Court or some of them shall issue the necessary precepts for the summoning of grand and petit jurors.

Clerk of district court to be local registrar.

**13.**—(1) The Clerk of the District Court shall be *ex-officio* Local Registrar of the High Court.

Clerk of division court to act until clerk of district court appointed.

(2) In case after the appointment thereto is made the office of Clerk of the District Court becomes vacant the Clerk of the Division Court at the district town shall be *ex-officio* Clerk of the District Court until another appointment is made. The said Division Court Clerk may be appointed Clerk of the District Court either in the first instance or subsequently in case a vacancy occurs.

Officers to keep their offices at District Town.

(3) The said officers shall keep their offices and subject to section 85 of *The Unorganized Territory Act*, the sittings of the District Court shall be held at the District Town of the District of Temiskaming.

Application of Rev. Stat., c. 109, ss. 75-76, and 78-83.

**14.** Sections 75, 76 and 78 and sections 80 to 83 of *The Unorganized Territory Act* shall apply to the said District of Temiskaming from and after the date to be named in the proclamation of the Lieutenant-Governor in Council in that behalf and until such date instruments affecting lands in the said portions of Sudbury and Nipissing comprising the District of Temiskaming shall be dealt with as if this Act had not been passed, and the said section 76 is further amended by inserting the words "or Temiskaming" after the word "Sudbury" in the third line of the said section.

Local Masters of Titles at Sudbury and North Bay to deliver all books to Local Master of Titles.

**15.**—(1) Upon the day named in the said proclamation or as soon thereafter as practicable, the Local Masters of Titles at Sudbury and North Bay shall deliver to the Local Master of Titles at the District Town of the District of Temiskaming all books which have been kept exclusively for any territory included in the District of Temiskaming and shall after the passing of this Act, whenever so instructed by the Master of Titles, re-enter from the present registers for their said districts into separate registers all subsisting entries of titles of lands and of mortgages of lands which are

situate

situate in the said District of Temiskaming and which are entered in books which have not been kept exclusively for lands included in the District of Temiskaming.

Transfer of entries of cautions.

(2) Each of the said Local Masters at Sudbury and North Bay shall, whenever instructed as aforesaid, transfer to a separate book all subsisting entries of Cautions lodged with him under section 81 of *The Land Titles Act* which affect lands included in the District of Temiskaming and shall also enter into proper books such entries in his procedure book and other books or registers as the Master of Titles may deem requisite for the proper conduct of the Land Titles Office at the District Town of the District of Temiskaming and the said books shall likewise be delivered at the same time to the Local Master at the District Town of the District of Temiskaming.

Delivery of original instruments, etc., to Local Master of Titles by Local Masters at Sudbury and North Bay.

**16.** The Local Masters of Titles at Sudbury and North Bay shall also deliver as aforesaid to the Local Master of Titles at the District Town of the District of Temiskaming, all original instruments filed or registered with them which relate exclusively to lands included within the said District of Temiskaming and are mentioned in the registers which are being transferred to the District Town of the District of Temiskaming, and certified copies of all such instruments relating to lands in the said district as well as to lands in the remaining parts of the Districts of Sudbury or Nipissing as the Master of Titles shall direct.

Duty of Local Master of Titles at the District Town of the District of Temiskaming.

**17.** The Local Master of Titles at the District Town of the District of Temiskaming may enter in the registers all instruments so delivered to him which have not been entered in the registers and may complete the entries which have not been completed in respect of any such instrument and may date all such entries as they would have been dated if the entries had been made and completed by the Local Masters of Titles at Sudbury and North Bay and may continue and complete all applications, proceedings and matters pending before the Local Masters of Titles at Sudbury or North Bay respecting land in the said District of Temiskaming.

Writs of execution to be delivered to Local Master of Titles at Sudbury and North Bay.

**18.**—(1) The Local Masters of Titles at Sudbury and North Bay shall also deliver as aforesaid to the said Local Master at the District Town of the District of Temiskaming certified copies of all writs of execution in force in their hands.

Memo. of time of receipt.

(2) Every such copy shall have written thereon a memorandum of the time of the receipt thereof by the Local Master of Titles at Sudbury or North Bay as the case may be.

(3)

(3) Such copies shall have the same effect and shall be dealt with in the same manner as if they had been furnished by the Sheriff to the Local Master of Titles at the District Town of the District of Temiskaming and shall at the time of their delivery as aforesaid have the same priority as at the time of their delivery as aforesaid they respectively held in the office at Sudbury or North Bay as the case may be. Effect of delivery—priority.

**19.** Where the effect of a copy of a writ has been varied by a subsequent certificate of the Sheriff or by an order of court the Local Master of Titles at Sudbury or North Bay shall also deliver as aforesaid a certified copy of such certificate or order to the Local Master of Titles at the District Town of the District of Temiskaming. Variance of writ to be certified to Local Master of Titles.

**20.**—(1) In case the Local Master of Titles at either Sudbury or North Bay shall at any time ascertain that through oversight or otherwise any parcel of land within the District of Temiskaming had been erroneously omitted from the register or registers prepared under section 16 he shall prepare a true copy of the subsisting register of any such parcel and shall append thereto a certificate stating that such copy is a true copy of the register of the land therein described, and such Master shall also state in such certificate whether or not there is in such office a copy of any execution which affects such land, and if there is any such execution, shall give the particulars thereof and shall deliver the copies so prepared to the Local Master at the District Town of Temiskaming. Correction of errors in registers.

(2) Where, through oversight, the title to any land is registered in the wrong district, the Local Master of Titles for the district in which such land is registered shall prepare a true copy of the subsisting register of such land and shall append thereto a certificate as in this section mentioned, and shall deliver the same to the Local Master of Titles of the district in which such land is situate. Where title has been registered in wrong district.

**21.** Where a Local Master of a district delivers a certified copy of the register of any parcel of land he shall when the parcel in his register includes land in one of the other districts vary his certificate by stating that the said copy is a true copy of the register so far as the same relates to land in the other district, naming it, and shall vary the copy accordingly. Varying certificates when lands in another district.

**22.** The Local Master of Titles shall thereupon note in the register of the parcel that the land affected by his certificate has been transferred to the other district. Entry of transfer of lands to another district.

Registering owner of land subject to charges

**23**. The Local Master of Titles receiving a copy pursuant to the provisions of sections 15, 20 and 21 shall thereupon register as owner of such parcel of land, the person who by such copy appears to be the owner thereof subject to the various charges, cautions, inhibitions, qualifications and other incumbrances affecting the same appearing in the said copy and shall also enter as an incumbrance in the register of the parcel any execution affecting such land mentioned in the said certificate.

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CHAPTER

CHAPTER 22.

## An Act to alter the Limits of the Districts of Sudbury and Nipissing.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Part of Nipissing added to Sudbury.

**1.** That portion of the District of Nipissing included within the following limits is hereby detached from the said District and attached to the District of Sudbury of which said last-mentioned District it shall hereafter form part: commencing at a point on the west limit of the District of Nipissing at the north-west angle of the Township of Creelman at the 18th mile post on Ontario Land Surveyor Niven's district boundary, as run in 1896, thence north astronomically along said district boundary along the west boundary of the Townships of Beresford, Cotton, Valin and Stull, 23 miles 75 chains and 45 links, more or less, to the north-west angle of the last-named township, thence east astronomically along the north boundaries of the Townships of Stull, McLeod, Ellis, Parker, Selby and Sladen 37 miles and three-quarters, more or less, to the north-east angle of the last-named township, thence south astronomically along the east boundary of the Townships of Sladen, Shelburne, Delhi, Armagh, Afton and MacBeth to the south-east angle of the last-named township, thence west astronomically along the north boundary of the Township of McNish 6 miles, more or less, to the north-west angle thereof, thence north astronomically along the east limit of the Township of McCarthy 6 miles, more or less, to the north-east angle thereof, thence west astronomically along the north boundary of the Townships of McCarthy, Mackelcan, Aylmer, and Parkin, 25 miles, more or less, to the north-west angle of the last-named township, thence north astronomically along the east limit of the Township of Creelman 6 miles, more or less, to the north-east angle thereof, thence west astronomically along the north limit of the said Township of Creelman 6 miles, more or less, to the place of beginning.

CHAPTER

## CHAPTER 23.

An Act to amend The Registry Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 Edw. VII. c. 60, s. 18, subsec. 2, repealed.

**1.** Subsection 2 of section 18 of *The Registry Act* is amended by inserting after the word "London," in the 5th line, the words "and the Provisional Judicial District of Kenora."

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## CHAPTER 24.

An Act to amend The Land Titles Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 5 of *The Land Titles Act,* passed in the first year of His Majesty's reign, chapter 28, is amended by adding the following subsections thereto: 1 Geo. V. c. 28, s. 5, amended.

(2) The Lieutenant-Governor in Council may appoint a person being a barrister or solicitor of not less than five years standing, to be the Deputy of the Master of Titles, and the person so appointed shall act under the supervision of the Master, or in the absence of the Master, and when so acting shall have all the powers of the Master. Deputy Master of Titles; appointment and duties of.

(3) In case of the death or resignation of the Master the Deputy may act as Master until his authority is revoked. Powers on death or resignation of Master.

**2.** Section 109 of *The Land Titles Act* is amended by adding thereto the following subsection: 1 Geo. V., c. 28, s. 1. 109, amended.

(2) The approval of the proper municipal Council referred to in this section may be upon terms and conditions embodied in an agreement signed by the owner of the lands laid out by such plan, and by the municipality, and may be registered upon the lands so laid out. Approval of municipal council on terms.

**3.**—(1) Subsection 1 of section 110 of *The Land Titles Act* is amended by adding after the word "assigns," in the 6th line, the words "or of the owner for the time being of any of the land covered by the plan." 1 Geo. V. c. 28, s. 110 (1), amended.

(2) Subsection 2 of section 110 of the said Act is repealed and the following subsections substituted therefor— 1 Geo. V. c. 28, s. 110 (2), repealed.

(2)

Application as to plan by person filing plan, or by owner.

(2) Any such application may be made either by the person filing the plan or by the owner for the time being of any of the land covered thereby.

Appeal.

(3) An appeal shall lie from any such decision to the Court of Appeal.

No alteration or closing of street, etc., without consent of owner.

(4) No part of a road, street, lane or alley upon which any such lot abuts, or which connects any such lot with, or affords access therefrom to the nearest public highway, shall be altered or closed up without the consent of the owner of such lot, but nothing herein shall interfere with the powers of municipal corporations with reference to highways.

1 Geo. V. c. 28, s. 149, subsec. 4, amended. Remuneration of Local Master for entering patents in districts.

**4.** Subsection 4 of section 149 of the said Act, is amended by adding at the end thereof the following words, "and shall also be paid for his services in entering patents under sections 159 to 162, such sum as the Lieutenant-Governor in Council shall direct."

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CHAPTER

## CHAPTER 25.

An Act to amend The Landlord and Tenant Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Geo. V. c. 37, s. 19, amended.

**1.** Section 19 of *The Landlord and Tenant Act* passed in the first year of His Majesty's reign, chapter 37, is amended by adding thereto the following subsection:

Implied agreement for re-entry on conviction of tenant for keeping disorderly house.

(2) In every such demise as aforesaid, there shall be deemed to be included an agreement, that if the tenant or any other person shall be convicted of keeping a disorderly house, within the meaning of *The Criminal Code* on the demised premises, or any part thereof, it shall be lawful for the landlord at any time thereafter, into the demised premises, or any part thereof, to re-enter, and the same to have again, re-possess and enjoy as of his former estate.

1 Geo. V. c. 37, s. 33, amended.

**2.**—(1) Subsection 1 of section 33 of *The Landlord and Tenant Act* is amended by striking out the figures "32," in the third line and substituting therefor the figures "30."

1 Geo. V. c. 37, s. 36, amended.

(2) Subsection 1 of section 36 of the said Act is amended by striking out the figures "36," at the end of the first line and substituting therefor the figures "28."

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CHAPTER

# CHAPTER 26.

## An Act respecting the Law Society of Upper Canada

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
LAW SOCIETY CONTINUED, s. 3.
Annual Terms, s. 4.
Visitors, s. 5.
Members, s. 6.
BENCHERS, ss. 7-49.
Ex-officio, s. 7.
Elective, s. 8.
Scrutineers, appointment of, s. 9.
Election, time of holding, s. 10.
Voters, qualification, s. 11.
Voters, list of, s. 12.
Qualification, s. 13.
Retiring Benchers eligible, s. 14.
Nominations, s. 15.
Voting papers, ss. 16, 17.
Counting votes, s. 18.
Void votes, s. 19.
Voting for more than thirty members, s. 20.
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Who to be elected, s. 22.
Who may be present at counting of votes, s. 23.
When election, not held at proper time, s. 24.
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POWERS OF BENCHERS, ss. 37-49.
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Power to examine witnesses, s. 39.
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VISITORS' POWERS AS TO DISCIPLINE, s. 49.
LAW BENEVOLENT FUND, s. 50.
REPORTERS, s. 51.
REVENUE AND EXPENDITURE, ss. 52, 53.
REPEAL, s. 54.
COMMENCEMENT OF ACT, s. 55.


HIS

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Law Society Act.* Short title.

**2.** In this Act "the Society" shall mean "The Law Society of Upper Canada." *New.* Interpretation

LAW SOCIETY CONTINUED.

**3.** The Treasurer and Benchers of the Society, and their successors, shall continue to be a body corporate and politic, by the name of "The Law Society of Upper Canada," and may purchase, take and possess for the purposes of the Society, but for no other purpose, and after acquiring the same may sell, mortgage, lease or dispose of any real estate. R.S.O. 1897, c. 172, s. 2. *Amended.* Name. Right to acquire lands.

**4.** The Annual Terms of the Society shall be: Annual terms.

(*a*) Hilary Term, which shall commence on the first Monday in February and end on Saturday in the ensuing week;

(*b*) Easter Term, which shall commence on the third Monday in May and end on the fourth Saturday thereafter;

(*c*) Trinity Term, which shall commence on the second Monday in September and end on Saturday of the ensuing week;

(*d*) Michaelmas Term, which shall commence on the third Monday in November and end on the third Saturday thereafter. (*New*).

VISITORS.

**5.** The Judges of the Supreme Court shall be Visitors of the Society. R.S.O. 1897, c. 172, s. 3. Visitors.

**6.** Members of the Bar of Ontario, and persons admitted to the Society as Students at Law, shall be members of the Society. (*New*). Members.

BENCHERS.

**7.**—(1) The following, if, and while continuing members of the Bar of Ontario, shall, *ex-officio,* be Benchers of the Society: *Ex-officio* Benchers.

(*a*)

Minister of Justice and Solicitor-General of Canada.

(*a*) The Minister of Justice, the Solicitor-General of Canada, and every person who has held either of those offices;

Attorneys-General of Ontario.

(*b*) The Attorney-General of Ontario, and every person who has held that office;

Treasurer for seven years.

(*c*) Every person who has for seven consecutive years held the office of Treasurer of the Society;

Benchers four times elected.

(*d*) Every person who has been elected a Bencher at four quinquennial elections.

Retired Judges.

R.S.C. 1906, c. 138.

(2) So long as he does not practice as a Barrister or Solicitor, and is in receipt of an annuity granted under *The Judges' Act* (Canada),

(*a*) Every retired judge of the Supreme Court of Canada or of the Exchequer Court of Canada who was at the time of his appointment a member of the Bar of Ontario; and

(*b*) Every retired judge of the Supreme Court of Judicature for Ontario

shall be *ex-officio* a Bencher of the Society. R.S.O. 1897, c. 172, s. 4; 63 V. c. 20, s. 1; 10 Edw. VII. c. 76, s. 1. *Amended.*

Existing rights preserved.

(3) Nothing herein shall affect the right of any one who has heretofore been held to be a retired judge, and who is now *ex-officio* a Bencher. *New.*

Elective Benchers.

**8.** The Benchers, exclusive of the *ex-officio* members, shall be thirty in number, and shall be elected from the members of the Bar as hereinafter provided. R.S.O. 1897, c. 172, s. 5.

Appointment of scrutineers.

**9.**—(1) The Benchers shall, during the Term next preceding an election, appoint, with their assent, two members of the Bar, who, with the Treasurer, shall act as scrutineers at the election, and who shall not be eligible for election to the office of Bencher, and a third person, who shall be a member of the Bar and assist the Treasurer and act for him in his absence, in counting the votes. R.S.O. 1897, c. 172, s. 6. *Amended.*

Temporary vacancies.

(2) The Treasurer may fill any vacancy in the office of scrutineer, and if he sees fit may appoint temporarily any qualified person to act as substitute for any scrutineer or other person appointed, during the absence of such person. *New.*

Election, when to be held.

**10.**—(1) An election shall be held on the first Thursday after the second Wednesday in April, 1916, and the subsequent elections shall be held on the first Thursday after the

second

second Wednesday in April of every fifth year thereafter; but if the scrutineers are unable to complete the scrutiny upon such day, the same shall be continued from day to day until the election is declared.

Absence of scrutineer.

(2) If any scrutineer is absent during the scrutiny the others may proceed therewith. R.S.O. 1897, c. 172, s. 7.

Who may vote.

**11**. Every person who is a member of the Bar in good standing and not in arrears for fees to the Society shall be an elector qualified to vote for 30 persons for Benchers pursuant to this Act. R.S.O. 1897, c. 172, ss. 8 and 16. *Amended.*

List of voters.

**12**.—(1) The Secretary shall, on the first day of Hilary Term previous to the time for holding an election, make out and sign an alphabetical list of the members of the Bar who are entitled to vote at such election.

Complaints of errors in the list.

(2) Such list may be examined by any member of the Bar at all reasonable times at the office of the Secretary, and if, within five days before the last day of such term, a member of the Bar complains to the Secretary, in writing, of the improper omission or insertion of any name in the list, the Secretary shall forthwith examine into the complaint and rectify the error if any there be.

Appeal to scrutineers when list to be finally settled.

(3) If any person is dissatisfied with the decision of the Secretary, he may appeal to the scrutineers, whose decision shall be final, and the list shall remain or be altered in accordance with their decision, and the list as it stands on the fifth day of March shall be signed by the Secretary and scrutineers and shall be the settled list of persons entitled to vote at the election. R.S.O. 1897, c. 172, s. 17 (1), (2). *Amended.*

Person called to the Bar in Term previous to be added to list.

(4) The Secretary shall add to the list the names of all persons called to the Bar during the Term next preceding the election; and no alteration shall be made in the list except as provided in this section. R.S.O. 1897, c. 172, s. 17 (3). *Amended.*

Qualifications of Benchers.

**13**. No person shall be eligible as a Bencher at any election who is not qualified to vote at the election. R.S.O. 1897, c. 172, s. 18.

Retiring Benchers eligible.

**14**. At all elections retiring Benchers shall be eligible for re-election. R.S.O. 1897, c. 172, s. 19.

Nomination required.

**15.**—(1) No person shall be elected as a Bencher unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void.

Nomination paper

(2) The nomination shall be in writing by a nomination paper, which shall be signed by at least ten of the persons entitled to vote at the election.

Time for sending in nomination papers

(3) The nomination paper shall be delivered at the office of the Secretary or sent by mail to him, so as to be received during the first fifteen days of the month of March of the year in which the election is to take place, and if not so delivered or received shall be invalid and shall not be voted upon.

Notice of nomination to be given nominee

(4) The Secretary shall, within the first four days after the last day for the receipt of nomination papers, mail notice in writing to each nominee informing him of his nomination, but the failure to mail such notice or the non-receipt thereof by the nominee shall not invalidate the election.

Declining nomination

(5) Any person who is nominated may refuse to become a candidate, and he shall be deemed not to have been so nominated and his name shall not be included in the list of candidates, if he notifies the Secretary in writing of his refusal within four days after the mailing of such notice to him.

Election by acclamation

(6) If the number of persons who remain as candidates is not greater than the number of Benchers to be elected, they shall be elected Benchers. 8 Edw. VII. c. 39, s. 1. *Amended.*

Form of voting paper to be sent to voters

**16.** In case a poll is necessary the Secretary shall forthwith after the time for receiving notice of refusal to be a candidate has expired, send to each member of the Bar, whose name is on the alphabetical list mentioned in section 12, if his residence is known to the Secretary, one copy of the form of voting paper with a list of the persons who remain as candidates pursuant to section 15, in such manner and at such time before the holding of the election, as may be determined by the Benchers, and the list shall indicate by asterisks and a footnote those whose term of office as Benchers is about to expire. R.S.O. 1897, c. 172, s. 10; 8 Edw. VII. c. 39, ss. 2 and 3. *Amended.*

Votes to be given by voting papers

**17.** The votes shall be given by closed voting papers, Form 1, delivered at the office of the Secretary or sent by mail to him so as to be received thereat not later than the second Wednesday of April of the year of the election. R.S.O. 1897, c. 172, s. 9.

Counting the votes.

**18.** Beginning on the first Thursday after the second Wednesday in April and proceeding continuously thereafter, except on holidays, the voting papers shall be opened by the Secretary in the presence of the Treasurer or the person appointed to assist him, and of the scrutineers who shall scrutinize and count the votes and keep a record thereof in a book to be provided by the Society. R.S.O. 1897, c. 172, s. 12. *Amended.*

Void vote.

**19.** A vote cast for any person who is ineligible to be a Bencher, or who is a Bencher *ex-officio* shall be null and void; and the election shall be declared as if such vote had not been cast. R.S.O. 1897, c. 172, s. 20.

Voting for more than thirty members.

**20.** In the event of a voter placing more than thirty names on his voting paper, the first thirty only shall be counted, notwithstanding that any of the thirty persons so named may be ineligible for election. R.S.O. 1897, c. 172, s. 21.

Equality of votes.

**21.** If an equality of votes between two or more persons leaves the election of one or more Benchers undecided, the scrutineers shall forthwith put into a ballot-box a number of papers, with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Secretary shall draw by chance from the ballot-box, in the presence of the scrutineers, one or more of such papers sufficient to make up the required number, and the persons whose names are upon the papers so drawn shall be declared to have been elected as Benchers. R.S.O. 1897, c. 172, s. 15.

Persons receiving the most votes to be elected.

**22.**—(1) The thirty persons who have the highest number of votes shall be declared by the Secretary to have been elected as Benchers for the ensuing term of five years. R.S.O 1897, c. 172, s. 13.

Where *ex-officio* Bencher is elected.

(2) If among the thirty persons who have the highest number of votes there is any Bencher who by virtue of such election becomes *ex-officio* a Bencher, the scrutineers shall so report and, subject to the provisions of section 19, the thirty other persons having the highest number of votes, shall be declared to have been elected as Benchers for the ensuing term of five years. 10 Edw. VII. c. 76, s. 2. *Amended.*

Who may be present at the counting of votes.

**23.** Any person entitled to vote at any such election shall be entitled to be present at the counting of the votes. R.S.O. 1897, c. 172, s. 14. *Amended.*

When election not held at proper time.

**24.** If from any cause any election provided for by this Act is not held as hereinbefore provided, the Benchers in Convocation shall make provision for holding the same and fix the dates for the nomination and the other proceedings for

taking

taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, so far as practicable, be conformable with those provided by this Act. 8 Edw. VII. c. 39, s. 4 (2).

Declaration of election.

**25**. Upon the completion of the scrutiny and counting of the votes the Secretary shall forthwith declare the result of the election as certified by the scrutineers and report the same to the Society, and shall cause the names of the persons elected to be published in the next issue of the *Ontario Gazette*. R.S.O. 1897, c. 172, s. 22.

Regulations for elections and remuneration to scrutineers.

**26**. The Benchers may make such regulations as they consider expedient, not contrary to the provisions of this Act, for regulating the procedure under the preceding sections, and for the remuneration of the scrutineers. R.S.O. 1897, c. 172, s. 23.

Voting papers to be kept.

**27**. Until after all petitions in respect to the election have been decided, the voting papers relating to the election shall not be destroyed, but, together with all other papers in connection with the election, shall be retained by the Secretary. R.S.O. 1897, c. 172, s. 24. *Amended.*

False voting.

**28**. No person shall sign the name of any other person to a voting paper, or alter, or add to or falsify, or fill up any blank in a voting paper signed by another person, or deliver or cause to be delivered, or send or cause to be sent, by post or otherwise, to the Secretary, a false voting paper, or a voting paper which has been added to, or falsified or in which a blank has been filled up after the same was signed. R.S.O. 1897, c. 172, s. 25.

Absence of Secretary.

**29**. Where the office of Secretary is vacant or if the Secretary is unable from any cause to act at or in connection with an election, the Treasurer shall appoint under his hand some other person to act as Secretary *pro tempore*, and the person so appointed shall perform all the duties of the Secretary, as prescribed by this Act. R.S.O. 1897, c. 172, s. 26. *Amended.*

Term of office of Benchers.

**30**. The elected Benchers shall take office on the first day of Easter Term following their election, and, subject to the provisions of this Act, shall hold office until the beginning of the fifth Easter Term after they have entered on their office. R.S.O. 1897, c. 172, s. 27. *Amended.*

Vacation of seat for non-attendance.

**31**.—(1) The seat of a Bencher, other than an *ex-officio* Bencher, who has failed to attend the meetings of the Benchers for four consecutive Terms, shall at the expiration of that

period

period *ipso facto* become vacant. R.S.O. 1897, c. 172, s. 28. *Amended.*

Suspension of certain *ex-officio* Benchers for non-payment of fees.

(2) The right of any Bencher who is such *ex-officio* by reason of having been elected at four quinquennial elections, to sit and vote at meetings of the Benchers, shall be suspended if and while he is in default in payment of any fees to the Society. 10 Edw. VII. c. 76, s. 3. *Amended.*

Committee on election petitions.

**32.** The Benchers at any meeting in the first Easter Term after the election may appoint a committee to inquire with respect to the due election of any Bencher whose election may be petitioned against by any member of the Bar who voted at the election, and, after such inquiry, to report such Bencher as duly or not duly elected or qualified according to the fact, and, if necessary, to report the name of the candidate having the highest number of votes next after the candidate declared elected who had the lowest number of votes, in lieu of the person reported not duly elected or qualified; and on the confirmation of the report by the Benchers other than persons petitioned against present at any meeting called for that purpose, the person so reported in lieu of the person petitioned against shall be deemed to be the duly elected and qualified Bencher. R.S.O. 1897, c. 172, s. 29. *Amended.*

Time for filing election petition.

Contents of petitions.

**33.**—(1) A petition shall not be entertained unless it is filed with the Secretary at least ten days before the first day of Easter Term next succeeding the election, and contains a statement of the grounds on which the election is disputed, nor unless a copy thereof is served upon the Bencher whose election is disputed at least ten days before the first day of such Term; and no ground not mentioned in the petition shall be entertained on the hearing thereof. R.S.O. 1897, c. 172, s. 30.

Hearing petitions.

(2) The Benchers, or the committee appointed for that purpose, shall, during the first week of such Term, appoint a day for the hearing of the petition, and give notice of such day to the petitioner and to the person whose election is disputed, and all such petitions shall be finally disposed of during such Term. R.S.O. 1897, c. 172, s. 31. *Amended.*

Petitioner to deposit $100 with Secretary for costs.

**34.** The petitioner shall deposit with the Secretary $100 to meet any costs which the Bencher petitioned against may in the opinion of the committee before which the petition is heard be put to, and the committee shall have power in the event of such petition being dismissed to award such a sum to be paid to the Bencher petitioned against as in their opinion is just; and shall have power in their discretion in the event of it being decided that such Bencher was not duly elected or

Power of committee as to costs.

qualified

qualified to award costs to the petitioner; and the costs so awarded shall be recoverable in any court of competent jurisdiction. R.S.O. 1897, c. 172, s. 32.

Election of Treasurer. Duration of his office.

**35.**—(1) The Benchers shall, at their first meeting after the election, elect one of their number as Treasurer, who shall be the President of the Society, and shall hold office until the appointment of his successor; and the election of Treasurer shall take place in each year thereafter at such time as may be appointed by the Rules of the Society.

Retiring Treasurer eligible.

(2) The retiring Treasurer shall be eligible for re-election. R.S.O. 1897, c. 172, s. 33. *Amended.*

Vacancies among Benchers, how filled up.

**36.** In case of failure to elect the requisite number of duly qualified Benchers under the provisions of this Act, or in case of any vacancy owing to the death or resignation of any Bencher, or to any other cause, the remaining Benchers shall, with all convenient speed, at a meeting to be specially called for the purpose, to be held during the next Term thereafter, supply the deficiency in the number of Benchers, or fill the vacancy by electing any person or persons duly qualified under the provisions of this Act; and the person or persons so elected shall hold office until the beginning of the first Easter Term after the next Quinquennial Election. R.S.O. 1897, c. 172, s. 34. *Amended.*

POWERS OF THE BENCHERS.

Benchers may make rules

**37.** The Benchers may make rules for the government of the Society, and other purposes connected therewith under the inspection of the Visitors. R.S.O. 1897, c. 172, s. 35. *Amended.*

By-laws for abolition of Terms and changing dates for doing acts or giving notices.

**38.** The Benchers may by rule abolish Terms and fix or change the dates for the doing of any act, or the giving of any notice which by this Act is to be done or given in or with reference to any Term, but no such rule shall have the effect of prolonging the term of office of any elected Bencher. 63 V. c. 20, s. 2. *Amended.*

Power to examine witnesses.

**39.** On the hearing of an election petition or upon any inquiry by a committee, the Benchers or committee shall have power to examine witnesses under oath; and a summons under the hand of the Treasurer, or under the hands of three Benchers, for the attendance of a witness, shall have all the force of a subpœna; and any witness not attending in obedience thereto, shall be liable to attachment in the High Court. R.S.O. 1897, c. 172, s. 36.

Appointment of officers.

**40.** The Benchers may appoint such officers and servants as they may deem necessary for the purposes of the Society. R.S.O. 1897, c. 172, s. 37.

Examiners, appointment of.

**41.** The Benchers may appoint examiners to conduct the examination of students at law and articled clerks and of persons applying to be called to the Bar or to be admitted as solicitors. *New.*

Legal education.

**42.** The Benchers may make rules for the improvement of legal education including the establishment and maintenance of a Law School; appoint readers and lecturers with salaries; impose fees and prescribe rules for the attendance of students and articled clerks and others at readings or lectures and for examinations thereon, but not so as to reduce the number of years prescribed by statute for call to the Bar or admission as solicitor, and may establish scholarships and prizes in connection therewith. R.S.O. 1897, c. 172, s. 38. *Amended.*

Call to the Bar.

**43.**—(1) The Benchers may make such Rules as they consider necessary for conducting the examination of persons applying to be called to the Bar and may call and admit to the practice of the law as a Barrister any person duly qualified to be so called and admitted according to the provisions of law and the rules of the Society. R.S.O. 1897, c. 172, s. 39 (1). *Amended.*

Admission of women as barristers or solicitors.

(2) The Benchers may in their discretion make rules providing for the admission of women to practise as Barristers and Solicitors. R.S.O. 1897, c. 172, s. 39 (2).

The Law Society to make rules for the examination of candidates for admission as solicitors.

**44.**—(1) The Benchers with the approbation of the Visitors may make such rules as they consider necessary for conducting the examination of persons applying to be admitted as Solicitors, touching the articles and service, and the certificates required by law to be produced by them before their admission, and as to the fitness and capacity of such persons to act as Solicitors. R.S.O. 1897, c. 172, s. 41.

When Law Society may suspend decision.

(2) Where it appears to the Benchers expedient for purposes of further inquiry or investigation, they may suspend, for a period not exceeding twelve months, their final decision in respect to granting or refusing a certificate. R.S.O. 1897, c. 172, s. 42.

Rules and regulations to meet special circumstances.

**45.** The Benchers may make rules and regulations, not contrary to law, and dispense therewith from time to time to meet the special circumstances of any special case respecting.

Admission of students and call of barristers.

(c) The admission of students-at-law, the periods and conditions of study, the call or admission of Barristers to practise the law, and all other matters relating to the discipline and honour of the Bar;

Articled clerks and admission of solicitors.

(d) The service of articled clerks, the period and conditions of such service, and the admission of Solicitors to practise in the Courts, and all other matters relating to the discipline and conduct of Solicitors and articled clerks. R.S.O. 1897, c. 172, ss. 40, 43. *Amended.*

Powers of Benchers to suspend, disbar or expel in case of misconduct.

**46.** Where a Barrister, Solicitor, Student-at-Law or articled clerk is found by the Benchers, after due inquiry by a committee of their number or otherwise, guilty of professional misconduct, or of conduct unbecoming a Barrister, Solicitor, Student-at-law, or articled clerk, the Benchers may disbar any such Barrister, or suspend him from practising as a Barrister for such time as they may deem proper; may resolve that any such Solicitor is unworthy to practise as a Solicitor or that he should be suspended from practising for a period to be named in the resolution; may expel from the Society, and the membership thereof, such student or articled clerk and strike his name from the books of the Society; and may refuse either absolutely or for a limited period to admit such articled clerk to the usual examinations, or to grant him the certificate of fitness necessary to enable him to be admitted to practice. R.S.O. 1897, c. 172, s. 44. *Amended.*

Barrister's privileges to cease when he is disbarred.

**47.** Upon a Barrister being disbarred, all his rights and privileges as a Barrister shall thenceforth cease and determine, or, in case he is suspended, he shall, during the period of his suspension, possess no rights or privileges as a Barrister, and notice of his being disbarred or suspended shall forthwith be given by the Secretary to the Senior Registrar of the High Court. R.S.O. 1897, c. 172, s. 45.

Striking off the Rolls.

**48.**—(1) Where it has been resolved by the Benchers that a Solicitor is unworthy to practise a copy of the resolution shall forthwith be communicated to the Senior Registrar of the High Court, and thereupon, without any formal motion, an order of the court may be drawn up, striking such solicitor off the roll, but he may at any time afterwards upon application to such Court be restored to practice.

Suspension of solicitor, notification of.

(2) Where it has been resolved by the Benchers that a Solicitor should be suspended from practising for a period named in the resolution, a copy of the resolution shall be forthwith communicated to the Senior Registrar of the High

Court

Court, and thereupon, without any formal motion, an order of the court may be drawn up suspending such Solicitor from practising for such period. R.S.O. 1897, c. 172, s. 46.

Powers of visitors as to discipline vested in the Benchers.

**49**. Any powers which the Visitors of the Society may have in matters of discipline are hereby vested in the Benchers, and the powers by the next preceding three sections conferred upon the Benchers may be exercised by them without reference to, or the concurrence of the Visitors. R.S.O. 1897, c. 172, s. 47.

LAW BENEVOLENT FUND.

Widows' and orphans' fund.

**50**. The Benchers may establish a fund for the benefit of the widows and orphans of Barristers and Solicitors, to be called "The Law Benevolent Fund," and may make all necessary rules and regulations for the management and investment of such fund, and the terms of subscription and appropriation thereof, and the conditions under which such widows and orphans shall be entitled to share in such fund. R.S.O. 1897, c. 172, s. 48.

REPORTERS.

Reporters to be appointed by the Benchers.

**51**.—(1) The Benchers may appoint such person or persons, being members of the Society, of the degree of Barrister, as they may think proper, to report and edit the decisions of the Court of Appeal and of the High Court.

Tenure of office.

(2) Such person or persons shall hold office at the pleasure of the Benchers, and shall be amenable to them in Convocation, for the correct and faithful discharge of their duties according to such regulations as the Benchers may make in respect thereof. R.S.O. 1897, c. 172, s. 49. *Amended.*

Benchers to make regulations regarding the reports.

(3) The Benchers shall make regulations for printing and publishing the reports of such decisions, and the distribution of the reports, and the price and mode of issuing the same, and all such other regulations in respect thereto, as they may at any time consider necessary; and any profits arising from the reports shall form part of the general funds of the Society. R.S.O. 1897, c. 172, s. 50.

Salaries of reporters.

(4) The Benchers shall determine the salaries to be allowed for such reporting and editing and shall pay the same out of the general funds of the Society. R.S.O. 1897, c. 172, s. 51. *Amended.*

REVENUE AND EXPENDITURE.

Appropriation of certain fees

**52.** The fees payable by Barristers, on call to the Bar and annually, and by Solicitors on admission, and for the annual certificate to practise, and by students and articled clerks on admission as such, and by them and others on examinations and attendance on lectures and readings, shall be paid into the general funds of the Society, and shall be such as the Benchers may prescribe. R.S.O. 1897, c. 172, s. 52.

Benchers to furnish members with details of revenue, etc.

**53.** The Society shall, during Hilary Term in every year, furnish to every member of the Society entitled to vote at the election of Benchers, a statement in detail of the revenue and expenditure of the Society, for the year ending on the next preceding 31st day of December, the same to be first duly audited by an auditor appointed by the Benchers to audit the accounts and report upon the finances of the Society. R.S.O. 1897, c. 172, s. 53.

Repeal.

**54.** Chapter 172 of the Revised Statutes of Ontario, 1897, and Section 1 of Chapter 20 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chapter 39 of the Acts passed in the 8th year and Chapter 76 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh, are repealed.

Commencement of Act.

**55.** This Act shall not come into operation until the 1st day of July, 1912.

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FORM 1.

VOTING PAPER.

*Law Society Election*, 19 .

The appointed scrutineers for this election are Mr. of , and Mr. of .

I, , of the in the of , Barrister, do hereby declare—

1. That the signature hereto is in my proper handwriting.

2. That I vote for the following persons as Benchers of the Law Society:

*A.B.*, of , in the of

*C.D.*, of , in the of

etc. etc.

3. That I have signed no other voting paper at this election.

4. That this voting paper is signed on the day of the date thereof.

Witness my hand, this day of , 19 .

R.S.O. 1897, c. 172, Sched. *Amended.*

CHAPTER

# CHAPTER 27.

## An Act respecting Barristers-at-Law.

*Assented to 16th April, 1912.*

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
WHO MAY BE ADMITTED, s 3.
ADMISSION, s. 4.
MINISTER OF JUSTICE MAY BE CALLED TO ONTARIO BAR, s. 5.
APPOINTMENT OF KING'S COUNSEL, ss. 6, 7.
ORDER OF PRECEDENCE, s. 8-11.
PATENTS OF PRECEDENCE, s. 9.
CROWN COUNSEL, s. 12.
REPEAL, s. 13.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Barristers Act. New.*

Interpretation. "The Society."

**2.** In this Act "the Society" shall mean The Law Society of Upper Canada. *New.*

Who may be admitted to practise at the Bar. Rev. Stat. c. 172.

**3.** Subject to any rules, regulations or by-laws made by the Benchers of the Society under *The Law Society Act,* the following persons, being British subjects, and, except as hereinafter provided, no others, may be admitted to practise at the Bar in His Majesty's Courts in Ontario:—

Students of five years' standing.

(*a*) Any person of the age of twenty-one years, who, having been entered of and admitted into the Society as a student of the laws, has been standing on the books thereof for five years, and has conformed to the rules of the Society;

Certain students may be admitted after three years' study.

(*b*) Any person of the age of twenty-one years, who has been admitted into and stands on the books of the Society as a student of the laws for three years, and has conformed to the rules of the Society, and prior to the date of his admission as a student, has actually taken and had conferred upon him the degree of Bachelor of Arts, Bachelor of

Civil Law or Bachelor of Law in any of the Universities of the United Kingdom or of any of His Majesty's Dominions or Colonies, or any University or College in any of the Provinces of Canada having power to grant degrees, or who was a graduate of the Royal Military College of Canada or who was a graduate of the faculty of Applied Science of the University of Toronto, or in Practical Science of Queen's University of Kingston.

Admission of English and other Barristers to the Bar of Ontario

(*c*) Any person who has been duly called to the Bar of any of His Majesty's Superior Courts of England, Ireland and Scotland,—when the Inn of Court or other authority having power to call or admit to the Bar by which such person was called or admitted extends the like privilege to members of the Bar of Ontario—on producing sufficient evidence of such call or admission and testimonials of good character and conduct to the satisfaction of the Society;

Admission of lawyers and students from Quebec to the Bar of Ontario.

(*d*) Any person who has been duly authorized to practise as an Advocate, Barrister, Attorney, Solicitor and Proctor at Law in all Courts of Justice in Quebec, or who has been found capable and qualified, and entitled to receive a diploma for that purpose under the provisions of the Acts respecting the incorporation of the Bar of Quebec, or who has been duly registered as a clerk and studied during the periods for study respectively required under the provisions of those Acts, on producing sufficient evidence thereof, and testimonials of good character and conduct to the satisfaction of the Society, and undergoing an examination in the law of Ontario to its satisfaction, and upon his entering himself of the Society, and conforming to all the rules thereof;

Barristers of other Provinces and Colonies.

(*e*) Any person who has been duly called or admitted or is entitled to be called or admitted to the Bar of any of His Majesty's Superior Courts in any of the Provinces of Canada or of any British Dominion or colony in which the same privilege would be extended to members of the Bar of Ontario, and who produces sufficient evidence of such call or admission, or of the right to be called or admitted, and testimonials of good character and conduct to the satisfaction of the Society. R.S.O. 1897, c. 173, s. 1. *Amended.* (*See* 2 Geo. V., c. 17, s. 48.)

Admission of solicitors to practise at the Bar.

**4.**—(1) Persons who had been duly admitted and enrolled as Solicitors of the Supreme Court, and who have practised as Solicitors in Ontario for the periods respectively hereinafter mentioned, and who are British subjects, may be admitted to practise at the Bar of His Majesty's Courts in Ontario on the terms and conditions hereinafter mentioned.

When solicitor has practised for ten years.

(2) A Solicitor who has been, previous to the time of filing his application for call, in actual practice for ten years or more, shall be entitled to be called to the Bar without further examination.

When solicitor has practised for five years.

(3) A Solicitor who has been, previous to the time of filing his application for call, in actual practice for five years or more, but less than ten years, shall be entitled to be called on passing such examination as may be required by the Society for such cases.

Solicitors holding office in Superior Court.

(4) For the purpose of this section, a Solicitor holding any office in the Supreme Court, or either division thereof to which he is appointed by the Crown, shall be deemed to have been in actual practice within the meaning of this Act while holding such office. R.S.O., 1897, c. 173, s. 2. *Amended.*

Notice of application for call.

(5) Notice of the intention of a candidate to apply for call under the provisions of this section shall be sufficient if written notice be given to the Secretary of the Society as in the case of a student-at-law for call; and the notice of presentation to convocation shall be signed by a barrister practising in the county or district in which such candidate resides, and shall certify that the candidate is in his opinion a fit and proper person to be called to the Bar. R.S.O., 1897, c. 173, s. 3.

Fees.

(6) Every such solicitor before being called to the Bar shall pay such fees only as are paid on call to the Bar in ordinary cases. R.S.O., 1897, c. 173, s. 4.

Minister of Justice may be called to Ontario bar.

**5.** Any person who is or has been Minister of Justice of Canada or Solicitor-General of Canada, shall be entitled to be called to the Bar of Ontario without complying with any of the rules of the Society as to admission, examinations, payment of fees or otherwise, and shall thereupon be entitled to practise at the Bar in His Majesty's Courts in Ontario. R.S.O., 1897, c. 173, s. 5.

KING'S COUNSEL AND PRECEDENCE.

Appointment of King's Counsel.

**6.** It was and is lawful for the Lieutenant-Governor by Letters Patent, under the Great Seal, to appoint from the members of the Bar of Ontario such persons as he may deem proper to be, during pleasure, Provincial officers under the

name

name of His Majesty's Counsel learned in the Law for Ontario. R.S.O., 1897, c. 173, s. 6.

Limit as to number of King's Counsel to be appointed.

**7.**—(1) From and after the time when this section comes into force, no appointment of His Majesty's Counsel learned in the law shall be made by the Lieutenant-Governor in Council beyond the number of five in any one year, or twenty in any four years, save and except in the following cases:—

Exceptions.

(*a*) That of any person who may be appointed Minister of Justice or Solicitor-General of Canada, or Attorney-General of Ontario;

(*b*) That of any person appointed by the Governor-General in Council, for the Federal Courts, one of His Majesty's Counsel learned in the Law.

Qualifications of King's Counsel.

(2) Except in the cases mentioned in clauses (*a*) and (*b*), no person shall be so appointed who is not of at least ten years' standing at the Bar of Ontario.

When this section shall come into force.

(3) This section shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation. R.S.O., 1897, c. 173, s. 7. *Amended.*

Order of precedence at the Bar.

**8.** The following members of the Bar of Ontario shall have precedence in the Courts of Ontario in the following order:—

(*a*) The Minister of Justice of Canada for the time being;

(*b*) The Attorney-General of Ontario;

(*c*) The members of the Bar who have filled the office of Minister of Justice of Canada or Attorney-General of Ontario, according to seniority of appointment.

(*d*) The members of the Bar who were, before the 1st day of July, 1867, appointed Her Majesty's Counsel for Upper Canada, according to seniority of appointment. R.S.O., 1897, c. 173, s. 8. *Amended.*

Patents of precedence.

**9.** The Lieutenant-Governor by Letters Patent under the Great Seal may grant to any member of the Bar a patent of precedence in the Courts of Ontario. R.S.O., 1897, c. 173, s. 9. *Amended.*

**10**. Members of the Bar appointed after the 1st day of July, 1867, to be Queen's Counsel or King's Counsel for Ontario, and members of the Bar to whom patents of precedence are granted shall severally have precedence in the Courts according to seniority of appointment unless otherwise provided in the Letters Patent. R.S.O. 1897, c. 173, s. 10. *Amended.* Precedence of King's Counsel and members holding patents of precedence.

**11**. The remaining members of the Bar shall, as between themselves, have precedence in the Courts in the order of their call to the Bar. R.S.O. 1897, c. 173, s. 11. Precedence of other members of the Bar.

**12**. Nothing in this Act shall affect or alter any rights of precedence which appertain to any member of the Bar when acting as Counsel for His Majesty, or for any Attorney-General of His Majesty, in any matter depending in the name of His Majesty or of the Attorney-General before the Courts, but such right and precedence shall remain as if this Act had not been passed. R.S.O. 1897, c. 173, s. 12. Crown Counsel.

*(Note.—As to collection of costs when solicitor or counsel paid a salary. See Solicitors' Act, 2 Geo. V., c. 28, s. 71.)*

**13**. Chapter 173 of the Revised Statutes, 1897, is repealed. Repeal.

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CHAPTER

# CHAPTER 28.

## An Act respecting Solicitors.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
ADMISSION AND ENROLMENT NECESSARY, s. 3.
PENALTY FOR PRACTISING WITHOUT, s. 4.
WHO MAY BE ADMITTED, ss. 5-9.
SERVICE OF ARTICLED CLERKS, s. 10.
CONDITIONS OF ADMISSION, s. 11.
EXAMINATIONS, ss. 12-14.
ADMISSION BY COURT, s. 15.
FEES, s. 16.
ANNUAL CERTIFICATES, ss. 17-25.
Penalties for not taking out, etc., ss. 23-25.
YEARLY LISTS OF PRACTISING SOLICITORS, s. 26.
OFFENCES AND PENALTIES:—
Solicitors not to practise while in prison or under suspension, s. 27.
Acting as agents of unqualified persons, s. 28.
Default in paying over moneys collected, s. 29.
Practising while holding certain offices, s. 30.
Not to practise while engaged in business, s. 31.
STRIKING OFF THE ROLL:—
Time for, limited in certain cases, s. 32.
Proceedings in case of, s. 33.
COSTS—TAXATION OF, ss. 34-45.
JUDGES MAY MAKE RULES, ss. 46, 47.
AGREEMENTS BETWEEN SOLICITORS AND CLIENTS, ss. 48-66.
SOLICITORS AS MORTGAGEES, TRUSTEES, ETC., ss. 67-71.
JURISDICTION OF COURTS NOT AFFECTED, s. 72.
REPEAL, s. 73.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Solicitors Act.*

Interpretation.

**2.** In this Act,—

"Rules of the society."

(*a*) "Rules of the Society" shall mean rules, regulations and by-laws made by the Benchers of the Society under *The Law Society Act;*

"The Society."

(*b*) "The Society" shall mean The Law Society of Upper Canada;

"Term." "Terms."

(*c*) "Term" and "Terms" shall mean the terms mentioned in *The Law Society Act. New.*

PROHIBITION

PROHIBITION AGAINST PRACTISING WHEN UNQUALIFIED.

Solicitors must be admitted and enrolled.

**3.** Unless admitted and enrolled and duly qualified to act as a Solicitor, no person shall act as a Solicitor in any Court of Civil or Criminal Jurisdiction or before any Justice of the Peace, or shall as such sue out any writ or process, or commence, carry on or defend any action, or proceeding in the name of any other person, or in his own name, or hold himself out as or represent himself to be a Solicitor. R.S.O., 1897, c. 174, s. 1.

Penalty on persons practising without being admitted as Solicitors.

**4.** If any person, unless himself a party to the proceeding, commences, prosecutes or defends in his own name, or that of any other person, any action or proceeding without having been admitted and enrolled as hereinafter provided, he shall be incapable of recovering any fee, reward or disbursements on account thereof, and shall be guilty of a contempt of the Court in which such proceeding was commenced, carried on or defended, and punishable accordingly. R.S.O. 1897, c. 174, s. 2.

[*As to practising in Division Courts see 10 Edw. VII., c. 32, s. 110, and as to proceedings to enforce claims of lienholder for sums not exceeding $100 under The Mechanics Lien Act, see 10 Edw. VII., c. 69, s. 37* (7).

WHO MAY BE ADMITTED.

Solicitors and Attorneys.

**5.**—(1) All persons heretofore admitted as Solicitors or Attorneys of, or by law empowered to practise in, any Court the jurisdiction of which is now vested in the High Court shall be Solicitors of the Supreme Court of Judicature for Ontario, and shall be entitled to the same privileges, and be subject to the same obligations, so far as circumstances will permit, as Solicitors or Attorneys were entitled or subject to prior to the 22nd day of August, 1881.

Persons entitled to be admitted before, 44 V. c. 5.

(2) All persons who, if *The Ontario Judicature Act, 1881*, had not been passed, would have been entitled to be admitted as Solicitors or Attorneys of, or been by law empowered to practise in, any such Courts, shall be entitled to be admitted on payment of the fees mentioned in section 16, and shall be so admitted by the High Court, and when so admitted shall be Solicitors of the Supreme Court.

Subject to control of court.

(3) Solicitors to whom this section applies shall be officers of the Supreme Court; and that Court and the High Court and the Court of Appeal respectively, or any Division or Judge thereof, may exercise the same jurisdiction in respect of such Solicitors as a Superior Court or a Judge thereof before the 22nd day of August, 1881, might have exercised in respect of any Solicitor or Attorney admitted to practise therein. R.S.O., 1897, c. 174, s. 3.

Who may be admitted and enrolled.

**6.** Subject to the provisions hereinafter contained and to any rules of the Society, the following persons, being British subjects, and except as hereinafter provided, no others may be admitted and enrolled as Solicitors:—

Articled clerks after five years' service.

(*a*) Any person of the age of twenty-one years who has been bound by contract in writing to a practising Solicitor in Ontario to serve and has served him as his clerk for five years;

Graduates of Universities after three years' service.

(*b*) Any person of the age of twenty-one years who being bound by contract in writing to a practising Solicitor in Ontario to serve him and has served him as his clerk for three years and who before being so bound has actually taken and had conferred upon him the degree of Bachelor of Arts, Bachelor of Civil Law, or Bachelor of Law, in any of the Universities of the United Kingdom, of any of His Majesty's Dominions or Colonies, or in any University or College in any of the Provinces of Canada having power to grant degrees, or was a graduate of the Royal Military College of Canada or of the Faculty of Applied Science in the University of Toronto or in Practical Science of Queen's University of Kingston.

Barristers of Ontario or England, Scotland or Ireland after three years' service.

(*c*) Any person who has been duly called to the Bar of Ontario, or of any of the other Provinces of Canada, or of any British Dominion or Colony, or who has been duly called to the Bar of any of His Majesty's Superior Courts in England, Scotland or Ireland, not having merely local jurisdiction, and has been thereafter bound by contract in writing to a practising Solicitor in Ontario to serve and has served him as his clerk for three years;

Solicitors of Courts of England, Scotland or Ireland after one year's service.

(*d*) Any person who has been duly sworn, admitted and enrolled a Solicitor of His Majesty's Supreme Court of Judicature in England or Ireland, or who has been Writer to the Signet or Solicitor of the Supreme Courts in Scotland, and has been thereafter bound by contract in writing to a practising Solicitor in Ontario to serve and has served him as his clerk for one year;

Solicitors of Courts in Colonies after one year's service.

(*e*) Every person who has been duly sworn, admitted and enrolled as an Attorney or Solicitor of any of His Majesty's Superior Courts of Law or Equity in any Province of Canada or in any of

of His Majesty's Dominions or Colonies and who has been thereafter bound by contract in writing to a practising Solicitor in Ontario, to serve and has served him as his clerk, for such period not exceeding one year, as may be prescribed by the Rules of the Society. R.S.O., 1897, c. 174, s. 4.

Admission of certain barristers as solicitors.

**7.**—(1) Any person who has been duly called to the Bar of Ontario, and who has practised as a Barrister in Ontario for the periods respectively hereinafter mentioned, may be admitted and enrolled as a Solicitor on the terms and conditions hereinafter mentioned.

When barrister has practised for ten years.

(2) Where previous to the time of filing his application for a certificate of fitness he has been in actual practice for ten years or more, he shall be entitled to such certificate without any examination.

When barrister has practised for five years.

(3) Where previous to the time of filing his application for certificate of fitness he has been in actual practice for five years or more but for less than ten years, he shall be entitled to the certificate on passing such examination as may be prescribed by the Society for such cases. R.S.O., 1897, c. 174, s. 5.

Notice of application for certificate of fitness.

(4) Notice of the intention of the candidate to apply for a certificate of fitness under the provisions of this section shall be in writing signed by the applicant, and shall be given by him to the Secretary of the Society at least fourteen days before the first day of the Term in which such candidate seeks admission; and the application for the certificate shall be signed by a Barrister practising in the county or district in which such candidate resides, who shall certify that the candidate is in his opinion a fit and proper person to be admitted and enrolled as a Solicitor.

Fees.

(5) Every such Barrister before obtaining the certificate shall pay such fees only as are payable by an articled clerk in ordinary cases of being admitted as a Solicitor. R.S.O. 1897, c. 174, s. 6. *Amended.*

Issue of certificate of fitness to Barristers in certain cases.

**8.** The Society may in its discretion grant a certificate of fitness to any person who was called to the Bar of Ontario before the 1st day of January, 1891, on his passing the usual examination prescribed for admission to practice as a Solicitor, and paying the usual fees. R.S.O. 1897, c. 174, s. 7. *Part Amended.*

Barristers of Quebec who have been called to the Bar of Ontario.

**9.** A person who has been called to the Bar of Ontario under the provisions of clause (*d*) of section 3 of *The Barristers Act* shall be entitled to be admitted and enrolled as a Solicitor on paying the usual fees. R.S.O. 1897, c. 174, s. 8. *Amended.*

SERVICE OF ARTICLED CLERKS.

Articled clerks. 7 Geo. V. c. 51.

**10.** Subject to the rules of the Society under *The Law Society Act*, the following enactments are made with respect to the service of articled clerks:—

Contracts of service to be filed.

(*a*) The contract of service of an articled clerk and any assignment thereof, together with the affidavit of execution of such contract or assignment, which shall state the date of such execution, shall be filed within three months after the execution thereof respectively, in the Central Office of the High Court and the proper officer shall endorse upon each document and sign a memorandum of the date of filing thereof;

Provision in case contract not filed in three months.

(*b*) If the contract or assignment with the affidavit of execution is not filed within three months after the date of the contract or assignment, the same may nevertheless be filed, but the service of the clerk shall be reckoned only from the date of the filing, unless the Society in its discretion for special reasons in any particular case shall otherwise order;

Practising solicitor may have four articled clerks and no more.

(*c*) A Solicitor may have under contract in writing four clerks at one time, and no more; and no Solicitor shall have any clerk so bound after he has discontinued practice as a Solicitor, nor while the Solicitor is employed as a writer or clerk by any other Solicitor, and the service by an articled clerk to a Solicitor under any such circumstances shall not be deemed good service under the articles;

Court may order articles to be discharged or assigned in certain cases.

(*d*) If a Solicitor, before the determination of the contract of service becomes bankrupt, or takes the benefit of any Act for the relief of insolvent debtors, or has been imprisoned for twenty-one days, the High Court, upon the application of the clerk, may order that the contract be discharged or be assigned to such person, upon such terms, and in such manner as the Court may deem proper;

Case of death, etc., of the solicitor to whom clerk articled.

(*e*) If a Solicitor, to whom a clerk has been so bound, dies before the expiration of the term for which the clerk became bound, or if he discontinues

practice

practice as a Solicitor, or if the contract is by the consent of the parties cancelled, or if the clerk is legally discharged before the expiration of the term by an order of the Court, the clerk may be bound by another contract in writing, to serve as clerk to any other practising Solicitor during the residue of the term; and if an affidavit of the execution of such last mentioned contract is duly made and filed within the time and in the manner hereinbefore prescribed, and subject to the like regulations as in the case of the original contract and the affidavit of its execution, due service under such subsequent contract shall be sufficient. R.S.O. 1897, c. 174, s. 9.

CONDITIONS OF ADMISSION AS SOLICITORS.

Provisions to be complied with before admission.

**11.**—(1) Subject to the rules of the Society no articled clerk shall be admitted and enrolled as a Solicitor unless

(*a*) During the time specified in his contract of service duly served thereunder, and except while attending the courses of lectures at the Law School and undergoing examinations as prescribed by the Rules of the Society, he has been during the whole of such term of service actually employed in the proper practice of a Solicitor by the Solicitor to whom he has been bound at the place where such Solicitor has continued to reside, during such term or with his consent by the professional agent of the Solicitor in Toronto; and

(*b*) He has been examined and sworn in the manner hereinafter directed; and

(*c*) At least fourteen days next before the first day of the Term in which he seeks admission, he has left with the Secretary of the Society his contract of service, and any assignment thereof and the affidavits of the execution of the same with his affidavit of due service thereunder, and a certificate of the Solicitor to whom he was bound, or his Toronto agent of such due service, and in the case of a person who has been called to the Bar or taken a degree as hereinbefore mentioned, a certificate of his having been so called or taken such degree or a duly certified copy of such certificate.

Affidavits to be delivered to the Society.

(2) The affidavits shall be in the form prescribed by the Society, and approved by the Visitors of the Society, and shall be delivered by the applicant to the Society upon his application to be examined.

Provision in case the contract, etc., cannot be produced.

(3) If the contract of service, assignment, if any, affidavits and certificate of due service, or any of them, cannot be produced, the Society, on application by a petition, verified by affidavit, to be left with the Secretary at least fourteen days before the first day of the Term on which the applicant seeks admission, and on being satisfied of such fact may, in its discretion, dispense with the production of such contract, assignment, affidavits and certificate of due service, or any of them, and may, notwithstanding such non-production, grant the certificate of fitness.

Time of clerk on militia service may be allowed.

(4) The Benchers may allow an articled clerk, as part of his term of service, any time during which such clerk may have been employed in the Militia Service when the Militia are called out for actual service. R.S.O. 1897, c. 174, s. 10 (1-4). *Amended.*

ADMISSION AND ENROLMENT.

Examinations of articled clerks.

**12.** Subject to the rules of the Society:—

Preliminary examination for articled clerks.

(*a*) Where the Benchers require that articled clerks shall pass a preliminary examination, the term of service under articles to entitle an articled clerk to be admitted as a Solicitor shall date only from the passing of such examination or his admission into the Society as a student-at-law.

Attendance at lectures, examinations.

(*b*) No candidate for admission of either of the classes of persons mentioned in clauses (*a*) and (*b*) of section 6 shall be admitted or enrolled as a Solicitor unless he has complied with the regulations of the Society as to the attendance at lectures and the passing of examinations. R.S.O. 1897, c. 174, s. 11. *Amended.*

Provisions respecting candidates of the classes in clauses *c*, *d* and *e* of s. 6.

**13.**—(1) Subject to the rules of the Society, no candidate for admission being of any of the classes of persons mentioned in clauses (*c*), (*d*) and (*e*) of section 6, shall be admitted unless:

(*a*) He publishes in the *Ontario Gazette* for at least two months previously to the first day of the term in which he seeks admission, notice of his intention to apply for admission;

(*b*) Nor (except in the case of a person who has been called to the Bar of Ontario), unless he, at least

fourteen

fourteen days before the first day of such Term, leaves with the Secretary of the Society:

(i) In the case of a Barrister sufficient evidence to the satisfaction of the Benchers of his call to the Bar and an affidavit to their satisfaction stating whether any application is made or is pending to disbar him, disqualify him for misconduct, or otherwise from practising at the Bar;

(ii) In the case of an attorney, solicitor, or writer to the Signet, sufficient evidence to the satisfaction of the Benchers of his admission and an affidavit of the candidate to their satisfaction stating whether any application has been made or is pending to strike him off the Roll or disqualify him for misconduct or otherwise from practising as a Solicitor;

(iii) In every case testimonials of good character and conduct to the satisfaction of the Benchers.

Date of affidavit.

(2) The affidavit shall be made within three months of the first day of the Term during which the application is made. R.S.O. 1897, c. 174, s. 12. *Amended.*

The Law Society to examine into the fitness and capacity of candidates for admission as solicitors.

**14**. The Benchers, upon proof to their satisfaction of the requirements of this Act having been complied with, shall examine and enquire by such ways and means as they think proper, touching the fitness and capacity of any candidate for admission as a Solicitor; and if satisfied by such examination, or by the certificate of the Examiners mentioned in section 41 of *The Law Society Act*, that the candidate is duly qualified, fit, and competent to act as a Solicitor, the Society shall give a certificate under its corporate seal of his due service, and of his fitness and capacity, and of his having duly complied with the requirements of this Act, and that he is in all respects qualified to be admitted as a Solicitor. R.S.O. 1897, c. 174, s. 13.

2 Geo. V., c. 26.

Certificate of fitness.

Admission.

**15**.—(1) Upon production to the High Court of such certificate of fitness the presiding Judge shall endorse his fiat of admission upon it; and thereupon, the oath of allegiance and the oath of office having been administered in open Court to the person named in the certificate, the Court may cause him to be admitted, and his name to be enrolled as a Solicitor.

(2)

Signature of certificate of admission.

(2) A certificate of admission shall be signed by one of the Registrars of the High Court, and the certificate of fitness shall be filed in the proper office of the Court. R.S.O. 1897, c. 174, s. 14.

Oath to be taken by candidates for admission.

(3) The oath of office shall be as follows:—

"I, *A. B.*, do swear (*or* solemnly affirm *as the case may be*) that I will truly and honestly demean myself in the practice of a Solicitor according to the best of my knowledge and ability; So help me God."

R.S.O. 1897, c. 174, s. 10 (5). *Amended.*

FEES.

Fees payable under this Act.

**16**. The following fees, and no other, shall be payable to the Crown under this Act:—

| | |
|---|---|
| 1. On filing Articles or Assignments (if any) with affidavit of execution, and making the endorsements required by this Act | $0 50 |
| 2. For fiat, admission, oath and certificate | 5 50 |

R.S.O. 1897, c. 174, s. 15.

ANNUAL CERTIFICATES.

Names of those admitted to be delivered to Secretary annually.

**17**. The officer of the High Court who has the custody of the Roll of Solicitors shall on the first day of every month deliver to the Secretary of the Society at his office in Osgoode Hall, certified under his hand and the seal of the High Court, a copy of so much of the Roll as contains the names of Solicitors admitted to practise during the preceding month. R.S.O. 1897, c. 174, s. 16.

Secretary to enter certified copies of Roll in a book.

**18**. The Secretary shall enter all such certified copies in a book to be kept in his office for that purpose, affixing to each name a number following in consecutive order the numbers affixed to the names previously entered. R.S.O. 1897, c. 174, s. 17.

Secretary to annually post an alphabetical list of Solicitors in his office and in Central Office.

**19**. The Secretary shall, in another book to be kept in his office for that purpose, enter all the names contained in the copies so transmitted to him, alphabetically arranged, with a reference to the number of each name on the Roll; and shall, annually on or before the 1st day of February,

put

put up in his office and also in the Central Office of the High Court an alphabetical list certified by him, under his hand, of all Solicitors who have taken out their certificates for the current year, and shall from time to time add to such list the name of each Solicitor who takes out a certificate at a subsequent period of the year, noting thereon the time when the certificate was taken out. R.S.O. 1897, c. 174, s. 18.

Annual certificate to be obtained by Solicitors.

**20**. Every practising Solicitor whose name appears on the Roll of Solicitors shall obtain from the Secretary, annually during the two weeks next preceding the last day of Michaelmas Term a certificate under the seal of the Society stating that he is a practising Solicitor of the Supreme Court. R.S.O. 1897, c. 174, s. 19.

Fees to be paid before certificate granted.

**21**. A certificate shall not be issued to a Solicitor, who is indebted to the Society, for any fee payable to the Society, nor until the annual fee for each certificate prescribed by the rules of the Society is paid. R.S.O. 1897, c. 174, s. 20.

Certificate need not be taken out till Michaelmas term after admission.

**22**. A Solicitor admitted in or after Michaelmas Term shall not be required to take out his annual certificate before Michaelmas Term next following his admission. R.S.O. 1897, c. 174, s. 21. *Amended.*

Fine for neglect to take out certificate.

**23**. If a Solicitor omits to take out his annual certificate within the prescribed period, he shall not be entitled thereto until he pays to the Society not only the prescribed certificate fee, together with any other fees which he owes to the Society, but also an additional sum by way of penalty, as follows:

Amount of fine.

If such certificate is not taken out before the first Monday in February, the sum of $6; if not before the third Monday in May, the sum of $9; and if not before the second Monday in September, $12. R.S.O. 1897, c. 174, s. 22. *Amended.*

Solicitors, etc., practising without certificate to forfeit $40

**24**. If a Solicitor, or any member of a firm of Solicitors, either in his own name or in the name of any member of his firm, practises in the Supreme Court or in either division thereof or in a County or District Court or in a Surrogate Court, without such certificate being taken out by him, and by each member of his firm, he shall forfeit the sum of $40, which shall be paid to the Society, and may be recovered in the High Court. R.S.O. 1897, c. 174, s. 23.

Further penalty for practising without a certificate.

**25**. If a Solicitor practises in any such Court without having taken out such certificate in each and every year of his practice, he shall be liable to be suspended from practice by order of the High Court, for a period of not less than three nor more than six months, and shall continue so suspended until his certificate fee for the year in which he so practised, together with a penalty of $40, is paid to the Society. R.S.O. 1897, c. 174, s. 24.

Registrars, etc., at beginning of year, to make out list of solicitors who have practised during the preceding year.

**26.** The officer having the control and superintendence of the Central Office and every Local Registrar and every Deputy Clerk of the Crown and Deputy Registrar, and every clerk of a County or District Court and every Registrar of a Surrogate Court when the said offices are not held by the same person, shall, during the month of January in each year, make out a list of the names of Solicitors who by the papers or proceedings filed or had in his office appear to have practised at any time during the year ending with the thirty-first day of December next preceding, and shall, on or before the first day of February in the year next after that for which the list is made up, transmit such list certified under his hand and the Seal of the Court to the Secretary of the Society. R.S.O. 1897, c. 174, ss. 25, 26. *Amended.*

And deliver the same to the Secretary.

Solicitors in prison or suspended not to practise.

**27.**—(1) A Solicitor who is a prisoner in any gaol or prison shall not during his confinement therein, nor shall any Solicitor who has been suspended from practising during the period of his suspension commence, prosecute or defend as such Solicitor any action in any Court, nor act in any matter in bankruptcy or insolvency.

Practitioner guilty of contempt.

(2) A Solicitor so practising, and any Solicitor permitting or empowering him so to practise in his name, shall be guilty of a contempt of the Court in which any such proceedings are taken, and shall be punishable by such Court accordingly.

Not to recover fees.

(3) A Solicitor shall be incapable of maintaining any action for the recovery of any fee, reward or disbursement for or in respect of any matter or thing done by him in his own name or in the name of any other Solicitor while so imprisoned or suspended. R.S.O. 1897, c. 174, s. 27.

Solicitors not to act as agents of unqualified persons.

**28.**—(1) A Solicitor shall not knowingly act as the professional agent of any person not duly qualified to act as a Solicitor, or suffer his name to be used in any such agency on account of or for the profit of an unqualified person, or send any process to such a person, or do any other act to enable him to practise in any respect as a Solicitor, knowing him not to be duly qualified.

Punishment by striking off the Roll.

(2) If complaint is made in a summary way of a contravention of this section a Judge of the High Court, upon proof thereof, may order that the Solicitor so offending shall be struck off the Roll and disqualified from practising as a Solicitor.

Committal of unqualified person.

(3) The Court may also commit such unqualified person having so practised to the common gaol for any term not exceeding one year. R.S.O. 1897, c. 174, s. 28. *Amended.*

**29**. The High Court may strike the name of any Solicitor off the Roll of Solicitors for default by him in payment of money received by him as a Solicitor. R.S.O. 1897, c. 174, s. 29. Court may strike solicitors off the Roll.

**30**.—(1) A Solicitor shall not practise in any Court in Ontario, either in his own name or by his partner, deputy or agent, or in the name of any other person, or otherwise, directly or indirectly, while he holds or conducts any office of the Supreme Court or either Division thereof or of a County or District Court, a Surrogate Court or a Division Court, to which he is appointed by the Crown; but nothing herein contained shall extend to a Local Master or Deputy Registrar of the High Court, who is not a Deputy Clerk of the Crown and Pleas or to the Official Guardian or to an Official Referee, a Drainage Referee or an Official Arbitrator. Practice prohibited while holding certain offices.

(2) Every person who contravenes the provisions of this section shall incur a penalty of $2,000. R.S.O. 1897, c. 174, s. 30. *Amended.* Penalty.

**31**. A Solicitor shall not practise in any Court in Ontario while he is engaged in the business of a merchant, or connected by partnership in purchasing or vending merchandise in the way of trade as a merchant, nor until twelve months after he has ceased to be such merchant or to be so engaged or connected. R.S.O. 1897, c. 174, s. 31. No solicitor to practise while engaged as a merchant.

[*For punishment for tampering with Jurors, see The Jurors Act, 9 Edw. VII., c. 34, s. 111.*]

STRIKING A SOLICITOR OFF THE ROLL FOR DEFECT IN ARTICLES.

**32**. Except in case of fraud, no person admitted and enrolled shall be struck off the Roll on account of any defect in the articles of clerkship, or in the filing thereof, or in his service thereunder, or in his admission and enrolment, unless application for striking him off the Roll is made within twelve months next after his admission and enrolment. R.S.O. 1897, c. 174, s. 32. Limitation of time for striking off Roll for defect in articles.

PROCEEDINGS IF STRUCK OFF THE ROLL.

**33**. Where a Solicitor is struck off the Roll, one of the Registrars of the High Court shall certify the same under his hand and the seal of the Court to the Secretary of the Society, stating whether such Solicitor was struck off at his own request or otherwise, and the Secretary shall attach the certificate to the certified copy of the Roll on which the When solicitor struck off Roll, Registrar to certify same to Secretary of the Society.

name of such person stands, and shall, in the book kept by him make a note opposite the name of such person of his having been struck off the Roll. R.S.O. 1897, c. 174, s. 33.

SOLICITOR'S COSTS.

Solicitors to deliver their bill one month before bringing action for costs.

**34.**—(1) No action shall be brought for the recovery of fees, charges or disbursements, for business done by a Solicitor as such, until one month after a bill thereof, subscribed with the proper hand of such Solicitor, his executor, administrator or assignee or, in the case of a partnership, by one of the partners, either with his own name, or with the name of such partnership, has been delivered to the person to be charged therewith, or sent by the post to, or left for him at his counting-house, office of business, dwelling-house, or last known place of abode, or has been enclosed in or accompanied by a letter subscribed in like manner, referring to such bill. R.S.O. 1897, c. 174, s. 34.

Not necessary in first instance in action on bill to prove contents of bill delivered.

(2) In proving a compliance with this Act it shall not be necessary in the first instance to prove the contents of the bill delivered, sent or left, but it shall be sufficient to prove that a bill of fees, charges or disbursements subscribed as required by subsection 1, or enclosed in or accompanied by such letter, was so delivered, sent or left; but the other party may shew that the bill so delivered, sent or left, was not such a bill as constituted a compliance with this Act. R.S.O. 1897, c. 174, s. 43.

Order for taxation on præcipe

**35**. Where the retainer of the Solicitor is not disputed and there are no special circumstances, an order may be obtained on *præcipe* from the proper officer in the county in which the Solicitor resides:

(*a*) By the client, for the delivery and taxation of the Solicitor's bill;

(*b*) By the client, for the taxation of a bill already delivered, within one month from its delivery;

(*c*) By the Solicitor, for the taxation of a bill already delivered, at any time after the expiration of one

month

month from its delivery, provided no order for its taxation has been previously made. *New.* (*See* Con. Rule 1184.)

No reference to be made on application of party chargeable after verdict or after 12 months from delivery of bill.

**36.**—(1) No such reference shall be directed upon an application made by the party chargeable with such bill after a verdict or judgment has been obtained, or after twelve months from the time such bill was delivered, sent or left as aforesaid, except under special circumstances, to be proved to the satisfaction of the Court or Judge to whom the application for the reference is made. R.S.O. 1897, c. 174, s. 37.

Special directions.

(2) Where the reference is made under subsection 1 the Court or Judge, in making the same, may give any special directions relative to the costs of the reference. R.S.O. 1897, c. 174, s. 41.

If either party does not attend officer may tax bill ex parte.

**37.** In case either party to a reference, having due notice, refuses or neglects to attend the taxation, the officer to whom the reference is made may tax the bill *ex parte*. R.S.O. 1897, c. 174, s. 38.

Delivery of bill and reference to taxation.

**38.**—(1) When a client or other person obtains an order for the delivery and taxation of a Solicitor's bill of fees, charges and disbursements, or a copy thereof, the bill shall be delivered within fourteen days from the service of the order:

(*a*) The bill delivered shall stand referred to the proper officer for taxation, and on the reference the Solicitor shall give credit for, and an account shall be taken of all sums of money by him received from or on account of the client, and the Solicitor shall refund what, if anything, he may on such taxation appear to have been overpaid;

(*b*) The costs of the reference shall, unless otherwise directed, be in the discretion of the officer, subject to appeal, and shall be taxed by him when and as allowed;

(*c*) The Solicitor shall not commence or prosecute any

action

action in respect to the matters referred pending the reference without leave of the Court or a Judge;

(*d*) The amount certified to be due shall be paid forthwith after confirmation of the certificate by filing, as in the case of a Master's report, by the party liable to pay the same;

(*e*) Upon payment by the client or other person of what if anything may appear to be due to the Solicitor, or if nothing is found to be due to the Solicitor the Solicitor, if required, shall deliver to the client or other person, or as he may direct, all deeds, books, papers and writings in the said Solicitor's possession, custody or power, belonging to the client;

(*f*) The order shall be read as if it contained the above particulars, and shall not set forth the same, but may contain any variation therefrom and any other directions which the Court or Judge shall see fit to make. *New.* (Con. Rule 1185.)

Order presumed to contain clauses *a* to *e*

(2) An order for reference of a Solicitor's bill for taxation shall be presumed to contain the clauses *a* to *e* of subsection 1, whether obtained on *praecipe* or otherwise, and by the Solicitor, client or other person liable to pay the bill. *New.* (Con. Rule 1186.)

Reference to be to local taxing officer.

(3) The reference for taxation shall, unless otherwise ordered, be to the proper taxing officer for the county in which the Solicitor resides. *New.* (*See* Con. Rule 1187.)

Judge may allow actions for costs within one month if departure from Ontario apprehended.

**39.** A Judge of the High Court or of a County or District Court, on proof to his satisfaction that there is probable cause for believing that the party chargeable is about to depart from Ontario, may authorize a Solicitor to commence an action for the recovery of his fees, charges or disbursements against the party chargeable therewith, although one month has not expired since the delivery of a bill. R.S.O. 1897, c. 174, s. 44.

Where a party not being the principal pays a bill or costs a taxation may be allowed.

**40.**—(1) Where any person not being chargeable as the principal party is liable to pay or has paid any bill either to the Solicitor, his assignee, or personal representative, or to the principal party entitled thereto, the person so liable to pay or paying, his assignee or personal representative,

may

may apply to the court or a judge for an order referring to taxation as the party chargeable therewith might himself have done, and the same proceedings shall be had thereupon, as if the application had been made by the party so chargeable. R.S.O. 1897, c. 174, s. 45.

What special circumstances may be considered in such case.

(2) If such application is made where under the provisions hereinbefore contained, a reference is not authorized to be made except under special circumstances, the Court or Judge to whom the application is made may take into consideration any additional special circumstances applicable to the person making it, although such circumstances might not be applicable to the party chargeable with the bill, if he was the party making the application. R.S.O. 1897, c. 174, s. 46.

Court or Judge may order the delivery of a copy of the bill.

(3) For the purpose of such reference the Court or Judge may order the Solicitor, his assignee or representative, to deliver to the party making the application a copy of the bill upon payment of the costs of the copy. R.S.O. 1897, c. 174, s. 47.

Taxation at instance of third person.

(4) When a person other than the client applies for taxation of a bill delivered or for the delivery of a copy thereof for the purpose of taxation, and it appears that, by reason of the conduct of the client, the applicant is precluded from taxing the same, but is nevertheless entitled to an account from the client, it shall not be necessary for the applicant to bring an action for an account, but the Court or a Judge may, in a summary manner, refer a bill already delivered or order delivery of a copy of the bill, and refer the same for taxation, as between the applicant and the client, and may add such parties not already notified as may be necessary.

Application of s. 38.

(5) The provisions of section 38, so far as they are applicable, shall apply to such taxation. *New.* (*See* Con. Rule 1188.)

When a bill may be re-taxed.

**41**. No bill previously taxed shall be again referred, unless under the special circumstances of the case the Court or Judge to whom the application is made thinks fit to direct a re-taxation thereof. R.S.O. 1897, c. 174, s. 48.

Payment not to preclude taxation if applied for within a year.

**42**. The payment of any bill shall not preclude the Court or Judge to whom the application is made from referring it for taxation upon such terms and subject to such directions as to the Court or Judge may seem just, if the application is made within twelve months after payment, and if the

special

special circumstances of the case in the opinion of the Court or Judge appear to require the taxation. R.S.O. 1897, c. 174, s. 49.

A taxing officer may require the assistance of the officer of any other Court.

**43**. Where a bill is referred for taxation, the officer to whom the reference is made may request the proper officer of any other Court to assist him in taxing any part of such bill, and the officer, so requested, shall thereupon tax the same, and shall have the same powers, and may receive the same fees in respect thereof, as upon a reference to him by the Court of which he is an officer, and he shall return the bill, with his opinion thereon, to the officer who so requests him to tax the same. R.S.O. 1897, c. 174, s. 50.

Skill, etc., and not length, to be considered in taxation of certain deeds.

**44**. In the absence of any general rule and so far as any such general rules do not apply, the taxing officer in taxing a bill for preparing and executing any instrument, shall consider not the length but the skill and labour employed and responsibility incurred in the preparation thereof. R.S.O. 1897, c. 174, s. 55.

How applications against solicitors to be entitled.

**45**. Every application to refer a bill for taxation, or for the delivery of a bill, or for the delivering up of deeds, documents and papers, shall be made *In the matter of* (*the Solicitor*); and upon the taxation of any such bill, the certificate of the officer by whom the bill is taxed, unless set aside or varied shall be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the practice of the Court in which the reference was made. R.S.O. 1897, c. 174, s. 51.

JUDGES MAY MAKE RULES.

Judges of Supreme Court to make rules, etc. Rev. Stat. c. 51.

**46**. The Judges of the Supreme Court may, from time to time in accordance with the provisions of *The Judicature Act*, make General Rules or Regulations other than rules relating to the admission and enrolment of Solicitors, for carrying out the provisions of this Act. R.S.O. 1897, c. 174, s. 52 (1). *Amended.*

Principles of remuneration. Imp. Act, 44-45 V. c. 44, s. 4.

**47**. Such Rules may include Rules respecting business by Solicitors connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing, and may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business; or by a gross sum; or by a fixed sum for each document prepared or perused, without regard to length; or in any other

mode

mode, or partly in one mode and partly in another, or others; and may, as regards the amount of the remuneration, regulate the same with reference to all or any of the following among other considerations:—

(*a*) The position of the party for whom the Solicitor is concerned in any business, that is, whether as vendor or as purchaser, lessor or lessee, mortgagor or mortgagee, and the like;

(*b*) The place, district, and circumstances at or in which the business or part thereof is transacted;

(*c*) The amount of the capital money or of the rent to which the business relates;

(*d*) The skill, labour and responsibility involved therein on the part of the Solicitor; and

(*e*) The number and importance of the documents prepared or perused, without regard to length. R.S.O. 1897, c. 174, s. 52 (2), 53 (1).

AGREEMENTS BETWEEN SOLICITORS AND CLIENTS.

**48.** In this section and sections 50 to 66: Interpretation.

(*a*) "Client" shall include a person who as a principal or on behalf of another person retains or employs or is about to retain or employ a Solicitor and a person who is or may be liable to pay the bill of a Solicitor for any services, fees, costs, charges or disbursements; "Client."

(*b*) "Services" shall include fees, costs, charges and disbursements. 9 Edw. VII. c. 28, s. 23. "Services."

**49.**—(1) Subject to the provisions of sections 50 to 66, a Solicitor may make an agreement in writing with his client respecting the amount and manner of payment for the whole or a part of any past or future services in respect of business done or to be done by such Solicitor, either by a gross sum or by commission or percentage, or by salary or otherwise, and either at the same rate or at a greater or less rate than that at which he would otherwise be entitled to be remunerated. In this subsection the expressions "commission" and "percentage" apply only to non-contentious business and to conveyancing. Agreements between solicitors and clients as to compensation.

(2) This section shall apply to and include any business Application of section.

to

to which section 47 relates, whether or not any general rule under section 46 is in operation. 9 Edw. VII. c. 28, s. 24.

Approval of agreement by taxing officer.

**50**. Where the agreement is made in respect of business done or to be done in any Court, except a Division Court, the amount payable under the agreement shall not be received by the Solicitor until the agreement has been examined and allowed by a taxing officer of a Court having power to enforce the agreement. 9 Edw. VII. c. 28, s. 25.

Opinion of court or judge on agreement.

**51**. Where it appears to the taxing officer that the agreement is not fair and reasonable, he may require the opinion of a Court or a Judge to be taken thereon. 9 Edw. VII., c. 28, s. 26.

Rejection of agreement by court or judge.

**52**. The Court or Judge may either reduce the amount payable under the agreement or order it to be cancelled and the costs, fees, charges and disbursements in respect of the business done to be taxed in the same manner as if the agreement had not been made. 9 Edw. VII., c. 28, s. 27.

Agreement not to affect costs as between party and party.

**53**. Such an agreement shall not affect the amount, or any right or remedy for the recovery, of any costs, recoverable from the client by any other person, or payable to the client by any other person, and any such other person may require any costs payable or recoverable by him to or from the client to be taxed in the ordinary manner, unless such person has otherwise agreed; but the client who has entered into the agreement shall not be entitled to recover from any other person under any order for the payment of any costs which are the subject of the agreement, more than the amount payable by the client to his own Solicitor under the agreement. 9 Edw. VII., c. 28, s. 28.

Claims for additional remuneration excluded.

**54**. Such an agreement shall exclude any further claim of the Solicitor beyond the terms of the agreement in respect of services in relation to the conduct and completion of the business in respect of which it is made, except such as are expressly excepted by the agreement. 9 Edw. VII., c. 28, s. 29.

Agreements relieving solicitor from liability for negligence void.

**55**. A provision in any such agreement that the Solicitor shall not be liable for negligence or that he shall be relieved from any responsibility to which he would otherwise be subject as such Solicitor shall be wholly void. 9 Edw. VII., c. 28, s. 30.

Determination of disputes under the agreement.

**56**. No action shall be brought upon any such agreement, but every question respecting the validity or effect of it may

be

be examined and determined, and it may be enforced or set aside without action on the application of any person who is a party to the agreement or who is or is alleged to be liable to pay or who is or claims to be entitled to be paid the costs, fees, charges or disbursements in respect of which the agreement is made, by the Court not being a Division Court, in which the business or any part of it was done or a Judge thereof, or if the business was not done in any Court by the High Court Division or a Judge thereof. 9 Edw. VII., c. 28, s. 31.

Enforcement of agreement.

**57.** Upon any such application if it shall appear to the Court or Judge that the agreement is in all respects fair and reasonable between the parties, it may be enforced by such Court or Judge by order in such manner and subject to such conditions as to the costs of the application as such Court or Judge may think fit, but if the terms of the agreement shall not be deemed by the Court or Judge to be fair and reasonable, the agreement may be declared void, and the Court or Judge may order it to be delivered up to be cancelled and may direct the costs, fees, charges and disbursements incurred or chargeable in respect of the matters included therein to be taxed in the ordinary manner. 9 Edw. VII., c. 28, s. 32.

Order of court for re-opening of agreement.

**58.** Where the amount agreed for under any such agreement has been paid by or on behalf of the client or by any person chargeable with or entitled to pay the same, the High Court Division or a Judge thereof may upon the application of the person who has paid such amount within twelve months after the payment thereof if it appears to such Court or Judge that the special circumstances of the case require the agreement to be re-opened, re-open the same and order the costs, fees, charges and disbursements to be taxed and may also order the whole or any part of the amount received by the Solicitor to be repaid by him on such terms and conditions as to the Court or Judge may seem just. 9 Edw. VII., c. 28, s. 33.

Agreements made by client who is guardian, trustee or committee, to be approved by taxing officer.

**59.** Where any such agreement is made by the client in the capacity of guardian or of trustee under a deed or will or of committee of any person whose estate or property will be chargeable with the amount or any part of the amount payable under the agreement, the agreement shall before payment be laid before the Senior Taxing Officer at Toronto, who shall examine it and may disallow any part of it or may require the direction of the Court or a Judge to be made thereon. 9 Edw. VII., c. 28, s. 34.

Client paying without approval to be liable to estate.

**60**. If the client pays the whole or any part of such amount without the previous allowance of such officer or the direction of the Court or a Judge he shall be liable to account to the person whose estate or property is charged with the amount paid or any part of it for the amount so charged, and the Solicitor who accepts such payment may be ordered by the Court or Judge to refund the amount received by him. 9 Edw. VII., c. 28, s. 35.

Solicitors not to purchase any interest in litigation or to make payment dependent upon success.

**61**. Nothing in sections 49 to 66 shall give validity to a purchase by a Solicitor of the interest or any part of the interest of his client in any action or other contentious proceeding to be brought or maintained or give validity to an agreement by which a Solicitor retained or employed to prosecute any action or proceeding stipulates for payment only in the event of success in such action or proceeding or where the amount to be paid to him is a percentage of the amount or value of the property recovered or preserved or otherwise determinable by such amount or value or dependent upon the result of the action or proceeding. 9 Edw. VII., c. 28, s. 36.

Security may be given to solicitor for costs.

**62**. A Solicitor may accept from his client and a client may give to his Solicitor security for the amount to become due to the Solicitor for business to be transacted by him and for interest thereon, but so that the interest is not to commence until the amount due is ascertained by agreement or by taxation. 9 Edw. VII., c. 28, s. 37.

Interest on disbursements and costs.

**63**. A Solicitor may charge interest at the rate of five per centum per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from demand from the client, and where the same are payable by an infant or out of a fund presently available the demand may be made on the parent or guardian or the trustee or other person liable. 9 Edw. VII., c. 28, s. 38.

Where solicitor dies or becomes incapable of acting after agreement.

**64**. Where a Solicitor has made such an agreement and anything has been done by him under it and before the agreement has been completely performed by him, such Solicitor dies or becomes incapable to act, an application may be made to any Court which would have jurisdiction to examine and enforce the agreement by any person who is a party thereto, and such Court may thereupon enforce or set aside the agreement so far as the same may have been acted upon as if such death or incapacity had not happened, and if it deems the agreement to be in all respects fair and reasonable may order the amount in respect of the past

performance

performance of it to be ascertained by taxation; and the taxing officer, in ascertaining such amount shall have regard, so far as may be, to the terms of the agreement, and payment of the amount found to be due may be ordered in the same manner as if the agreement had been completely performed by the Solicitor. 9 Edw. VII. c. 28, s. 39.

Changing solicitor after making agreement.

**65**. If after any such agreement has been made the client shall change his Solicitor before the conclusion of the business to which the agreement relates, which he shall be at liberty to do notwithstanding the agreement, the Solicitor party to the agreement shall be deemed to have become incapable to act under it within the meaning of the next preceding section, and upon any order being made for taxation of the amount due him in respect to the past performance of the agreement, the Court shall direct the taxing officer to have regard to the circumstances under which such change of Solicitor took place, and upon the taxation the Solicitor shall not be deemed to be entitled to the full amount of the remuneration agreed to be paid to him, unless it shall appear that there has been no default, negligence, improper delay or other conduct on his part affording reasonable ground to the client for such change of Solicitor. 9 Edw. VII., c. 28, s. 40.

Bills under agreement not to be liable to taxation.

**66**. Except as otherwise provided in sections 49 to 65, a bill of a Solicitor for the amount due under any such agreement shall not be subject to any taxation or to any provision of law respecting the signing and delivery of a bill of a Solicitor. 9 Edw. VII. c. 28, s. 41.

SOLICITORS AS MORTGAGEES, TRUSTEES, ETC.

Definition of mortgage.

**67**. In sections 68 to 70 the expression "mortgage" includes any charge on any property for securing money or money's worth. *New.*

Charges, etc., where mortgage is made with solicitor.

**68**.—(1) Any Solicitor to whom, either alone or jointly with any other person, a mortgage is made, or the firm of which such Solicitor is a member, shall be entitled to receive for all business transacted and acts done by such Solicitor or firm in negotiating the loan, deducing and investigating the title to the property and preparing and completing the mortgage, all such usual professional charges and remuneration as he or they would have been entitled to receive if such mortgage had been made to a person not a Solicitor, and such person had retained and employed such Solicitor or firm to transact such business and do such acts; and such charges and remuneration shall accordingly be recoverable from the mortgagor.

Imp. Act 53, 59 Vic. ch. 25.

(2)

Application of section.

(2) This section applies only to mortgages made after the commencement of this Act. *New.*

Right of solicitor with whom mortgage is made to recover costs, etc.

**69.**—(1) Any Solicitor to or in whom, either alone or jointly with any other person, any mortgage is made or is vested by transfer or transmission, or the firm of which such Solicitor is a member, shall be entitled to receive and recover from the person on whose behalf the same is done or to charge against the security for all business transacted and acts done by such Solicitor or firm subsequent and in relation to such mortgage or to the security thereby created or the property therein comprised, all such usual professional charges and remuneration as he or they would have been entitled to receive if such mortgage had been made to and had remained vested in a person not a Solicitor, and such person had retained and employed such Solicitor or firm to transact such business and do such acts, and accordingly no such mortgage shall be redeemed except upon payment of such charges and remuneration.

Imp. Act, 38 & 39 V. c. 78.

Application of section.

(2) This section applies to mortgages made and business transacted and acts done either before or after the commencement of this Act. *New.*

Solicitor-director, right to charge for services to trust estate.

**70.** A Solicitor who is a director of a trust company or of any other company, or the firm of which such Solicitor is a member, shall be entitled to receive for all business transacted or acts done by such Solicitor or firm for such company in relation to or in connection with any matter in which the company acts as trustee, guardian, personal representative or agent, all such usual professional fees and remuneration as he or they would be entitled to receive if such Solicitor had not been a director of such company, and such company had retained and employed such Solicitor or firm to transact such business and do such acts, and such charges and remuneration shall accordingly be recoverable from such company and may be charged by them as a disbursement in the matter of such trusteeship, guardianship, administration or agency. *New.*

Bath v. Standard, Land Co. Ltd. [1911] (C. A.), 1 ch. 618.

RIGHT TO TAX COSTS OF SALARIED SOLICITOR.

Collection of costs where solicitor or counsel paid a salary.

**71.** Where the remuneration of a Solicitor or Counsel employed by a corporation is wholly or partly paid by salary, the corporation employing such Solicitor or Counsel shall notwithstanding have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the Solicitor or counsel were not receiving a salary

where

where the costs are by the terms of his employment payable to the Solicitor or counsel as part of his remuneration in addition to his salary. 7 Edw. VII., c. 23, s. 13.

SOLICITORS AS OFFICERS OF COURT.

Act not to affect practice as to admission.

**72.** Nothing in this Act shall interfere with the jurisdiction over Solicitors as officers of Court. R.S.O. 1897, c. 174, s. 56.

REPEAL.

Repeal. Rev. Stat. c. 174; 7 Edw. VII. c. 23, s. 13; 9 Edw. VII. c. 48, ss. 23-41; Con. Rules, 1184-1188.

**73.** Chapter 174 of the Revised Statutes of Ontario, 1897, section 13 of the Act passed in the 7th year of the reign of His late Majesty King Edward the Seventh, chaptered 23, sections 23 to 41 of the Act passed in the 9th year of the said reign, chaptered 28, and Rules 1184 to 1188 of the Consolidated Rules of Practice are repealed.

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CHAPTER

## CHAPTER 29.

# An Act to amend The Ontario Medical Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Canada Medical Act to apply.

**1.** Subject to the provisoes and conditions therein contained the Canada Medical Act, Revised Statues of Canada, 1906, shall apply to the Province of Ontario.

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# CHAPTER 30.

## An Act respecting Money-Lending.

*Assented to 16th April, 1912.*

PART I.

PRELIMINARY.
Short title, s. 1.
Interpretation, s. 2.
Application of *Summary Convictions Act*, s. 3.
Commencement of Act, s. 4.

PART II.

RELIEF AGAINST UNCONSCIONABLE TRANSACTIONS.
Jurisdiction of courts, s. 5.
How powers of Courts may be invoked, s. 6.
Application of Part, s. 7.
Saving of certain rights, s. 8.

PART III.

MONEY-LENDERS.
Act not to affect certain classes of lenders, s. 9.
Registration of money lenders, s. 10.
Extra provincial corporations not to be registered, s. 11.
Prohibitions, s. 12.
Penalty, s. 13.
Fraudulent statements or concealments by, s. 14.
Burden of proof of registration, s. 15.
Regulations, s. 16.

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PART I.

### *Preliminary.*

**1.** This Act may be cited as *The Ontario Money-Lenders Act.* Short title.

**2.** In this Act:— Interpretation.

(*a*) "Cost of the loan" shall mean the whole cost to the debtor of money lent and shall include interest, discount, subscription, premium, dues, bonus, commission, brokerage fees and charges, but not actual lawful and necessary disbursements made to a Registrar of Deeds, a Master or Local Master of Titles, a Clerk of a County or District Court, a Sheriff or a Treasurer of a municipality. (*See* 4 Edw. VII. c. 17, s. 4 (c)); "Cost of the loan."

(*b*)

"Court." (*b*) "Court" shall mean a Court having jurisdiction in an action for the recovery of a debt or money demand to the amount claimed by a creditor in respect of money lent;

"Creditor." (*c*) "Creditor" shall include the person advancing money lent and the assignee of any claim arising or security given in respect of money lent;

"Debtor." (*d*) "Debtor" shall mean and include a person to whom or on whose account money lent is advanced, and every surety and endorser or other person liable for the repayment of money lent or upon any agreement or collateral or other security given in respect thereof;

"Money-lender." (*e*) "Money-lender" shall mean a person whose business is that of money-lending or who carries on that business in connection with any other business, whether the money lent is his own or that of any other person, or who advertises or holds himself out as, or who by any notice or sign indicates that he is a money lender;

"Money lent." (*f*) "Money lent" shall include money advanced on account of any person in any transaction which, whatever its form may be, is substantially one of money-lending or securing the repayment of money so advanced;

"Registrar." (*g*) "Registrar" shall mean the Registrar of Loan Corporations for Ontario.

Application of 10 Edw. VII., c. 37. **3.** Every prosecution under this Act shall be taken before a Police Magistrate or two Justices of the Peace under *The Ontario Summary Convictions Act.*

Commencement of Act. **4.** This Act shall come into force on the 1st day of July, 1912.

## PART II.

### *Relief Against Unconscionable Transactions.*

Jurisdiction of Courts. Impl. Act. 63-64 Vict., c. 51. **5.** Where, in respect of money lent, the Court finds that having regard to the risk and to all the circumstances the cost of the loan is excessive and that the transaction is harsh and unconscionable, the Court may:—

(*a*)

(*a*) Reopen the transaction and take an account between the creditor and the debtor, Re-opening account.

(*b*) Notwithstanding any statement or settlement of account or any agreement purporting to close previous dealings and create a new obligation, reopen any account already taken and relieve the debtor from payment of any sum in excess of the sum adjudged by the Court to be fairly due in respect of the principal and the cost of the loan, Re-opening former settlements.

(*c*) Order the creditor to repay any such excess if the same has been paid or allowed on account by the debtor, Order for repayment of excess.

(*d*) Set aside either wholly or in part or revise or alter any security given or agreement made in respect of the money lent, and, if the creditor has parted with the security, order him to indemnify the debtor. Setting aside or revising contract.

**6**. The powers conferred by section 5 may be exercised in:— How powers of Court may be invoked.

(*a*) An action or proceeding by a creditor for the recovery of money lent; In action by creditor.

(*b*) An action by the debtor notwithstanding any provision or agreement to the contrary, and notwithstanding that the time for repayment of the loan or any instalment thereof has not arrived; In action by debtor.

(*c*) An action or proceeding in which the amount due or to become due in respect of money lent is in question. In other proceedings.

**7**. This Part shall apply in respect of money lent after the commencement of this Act, and to any agreement or security made or taken after the commencement of this Act in respect of money lent either before or after the commencement of this Act. Application of Part I.

**8**. Nothing in this Part shall affect the rights of a *bona fide* assignee or holder for value without notice, or derogate from the existing powers or jurisdiction of any Court. Saving as to rights of *bona fide* assignee for value and existing jurisdiction.

## PART III.

*Money-Lenders.*

Not to affect.

**9.** Sections 10 to 16 shall not apply to a:—

Pawnbrokers. 1 Geo. V. c. 50.

(*a*) Pawnbroker in respect of business carried on by him in accordance with the provisions of *The Pawnbrokers' Act;*

Insurance and loan corporations.

(*b*) Corporation registered under *The Ontario Insurance Act* or *The Loan Corporations Act;*

Banks.

(*c*) Chartered bank of Canada;

Persons lending incidentally in their business.

(*d*) Person carrying on any business not having for its primary object the lending of money, in the course of which and for the purposes of which he lends money;

Solicitors investing money for clients.

(*e*) Solicitor lending the money of a client and receiving for his services only solicitor's fees and disbursements, and a reasonable commission for procuring the investment, and who is not otherwise a party to the transaction or a sharer in the profits thereof, or liable to bear any loss arising therefrom; or

Trustees, etc.

(*f*) Trustee, executor, guardian, committee or person acting in any other fiduciary capacity and lending money in his hands in that capacity and receiving therefor only the remuneration fixed by the instrument creating the trust or appointing him, or by the order of a Court, and who is not a sharer in the profits of the investment or liable to bear any loss arising therefrom. (*See* Impl. Act. 63-64 V. c, 51, s. 6.)

Registration of money lenders.

**10.**—(1) Every money-lender carrying on business at the commencement of this Act shall register as a money-lender with the Registrar within one month after that date.

Register.

(2) The Registrar shall keep in his office a register to be called "The Money-Lenders' Register," in which he shall enter the name of every money-lender, the name under which the business of money-lending is to be carried on and the address, or all the addresses if more than one, at which it is carried on.

Duration of registry.

(3) The registration shall continue in force for one year from the date thereof.

**11.**

**11.** No corporation shall be registered as a money-lender unless its head office is in Ontario and the directors or the members of the governing body thereof, by whatever name known, reside in Ontario. Corporations which may not be registered.

**12.** Subject to the provisions of subsection 1 of section 10, no person shall:— Prohibitions.

(*a*) Carry on business as a money-lender without being registered; Carrying on business without registry.

(*b*) Carry on such business otherwise than in his registered name, or in more than one name, or elsewhere than at his registered address; Or otherwise than as registered.

(*c*) Enter into any agreement in the course of his business as a money-lender with respect to the advance of money lent, or take any security for money lent in the course of such business otherwise than in his registered name; Or transacting business in other than registered name.

(*d*) On reasonable request and tender of a reasonable sum for expenses, fail to furnish a debtor for money lent with a copy of any document relating to the transaction. (*See* Impl. Act, 63-64 V. c. 51, s. 2.) Or failing to furnish copy of document.

**13.**—(1) Every person who violates the provisions of section 12 shall incur a penalty not exceeding $200, and on conviction for a second or any subsequent offence shall be liable to imprisonment for a period not exceeding six months, or in the case of a corporation, shall incur a penalty not exceeding $1,000. Penalty.

(2) No prosecution for an offence under this section shall be commenced without the consent of the Attorney-General or the Crown Attorney for the County or District in which the offence is committed. Consent of Attorney-General required to prosecution.

**14.**—(1) Every money-lender and every manager, agent or clerk of a money-lender, and every director, manager or other officer of a corporation carrying on the business of a money-lender, who by any false, misleading or deceptive statement, representation or promise, or by any dishonest concealment of material facts, fraudulently induces or attempts to induce any person to borrow money or to be responsible for the repayment thereof, or to agree to the terms of any transaction with respect to money lent, shall incur a penalty not exceeding $500. Fraudulent statements or concealment by money lenders.

Imp. Act, 63, 64 V. C., 51, s

(2)

Cancellation or suspension of registry

(2) The Lieutenant-Governor in Council may direct the cancellation or suspension of the registration of any person convicted of an offence under subsection 1.

Burden of proof of Registration

**15**. In every prosecution under this Part the burden of proof of registration shall be upon the person charged.

Regulations.

**16**. The Lieutenant-Governor in Council may make such regulations as he may deem expedient respecting the mode of registration, the fee to be paid thereon and the inspection of the register and the fees payable therefor and generally for better carrying out the provisions of this Part.

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CHAPTER

# CHAPTER 31.

## An Act respecting Joint Stock and other Companies

*Assented to 16th April, 1912.*

PRELIMINARY.
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Interpretation, s. 2.

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Ontario Companies Act.* 7 Edw. VII. c. 34, s. 1.

Interpretation.

**2.** In this Act:

"Company."

(*a*) "Company" shall mean a company having a capital divided into shares. 7 Edw. VII. c. 34, s. 2.

"Corporation."

(*b*) "Corporation" shall include a company whether with or without share capital.

Private company.

(*c*) "Private company" shall mean a company as to which by Special Act, Letters Patent or Supplementary Letters Patent—

(i) The right to transfer its shares is restricted;

(ii.) The number of its shareholders (exclusive of persons who are in the employment of the company) is limited to fifty, two or more persons holding one or more shares jointly being counted as a single shareholder; and

(iii.) Any invitation to the public to subscribe for any shares, debentures, or debenture stock of the company is prohibited. *New.*

"Public company."

(*d*) "Public Company" shall mean a company not being a Private Company within the meaning of clause *c*.

PART

## PART I.

### INCORPORATION, RE-INCORPORATION, AMALGAMATION.

Corporations formed for certain purposes may be incorporated by letters patent.

**3.** The Lieutenant-Governor may, by Letters Patent, grant a charter to any number of persons, not less than five, of the age of twenty-one years, who petition therefor, constituting such persons and any others who have become subscribers to the memorandum of agreement hereinafter mentioned and persons who thereafter become shareholders or members in the corporation thereby created, a corporation for any of the purposes to which the authority of the Legislature of Ontario extends, except those of railway and street railway companies, insurance corporations within the meaning of *The Ontario Insurance Act*, and corporations within the meaning of *The Loan and Trust Corporations Act*. 6 Edw. VII., c. 30, 2 Geo. V. c. 33, 2 Geo. V. c. 34.

Provincial Secretary may issue charter, etc.

**4.** The Provincial Secretary may, under the seal of his office, have, use, exercise and enjoy any power, right or authority conferred by this Act on the Lieutenant-Governor but not those conferred on the Lieutenant-Governor in Council. 7 Edw. VII. c. 34, s. 3; 8 Edw. VII. c. 43, s. 1 (1); 10 Edw. VII. c. 80, s. 1.

[*By 10 Edw. VII. c. 80, s. 3, it is provided that section 4 shall take effect as from 1st May, 1910.*]

Petition for incorporation.

**5.**—(1) The applicants for the incorporation of a company may petition the Lieutenant-Governor, for the grant of a Charter.

(2) The petition, Form 1, shall show:

(*a*) The proposed corporate name of the company; Name.

(*b*) The objects for which the company is to be incorporated; Objects.

(*c*) The place within Ontario where the head office of the company is to be situate; Head office.

(*d*) The amount of the capital of the company, the number of shares, and the amount of each share; Capital

(*e*) The name in full, the place of residence and the calling of each of the applicants; Names of applicants.

(*f*) The names of the applicants, not less than three, who are to be the provisional directors of the company. Directors

Memorandum of agreement.

(3) The petition shall be accompanied by a memorandum of agreement, in duplicate, Form 2, signed by the petitioners.

Petitioners to be bona fide holders of shares

(4) Each petitioner shall be a *bona fide* subscriber in his own right for the share or shares which by the memorandum of agreement he agrees to take.

Petition may pray for insertion of special clauses in letters patent

(5) The petition may ask to have embodied in the Letters Patent any provision which under this Act might be embodied in a by-law of the company. 7 Edw. VII. c. 34, s. 4.

Petition for incorporation without share capital

**6.**—(1) The applicants for the incorporation of a corporation not having share capital may petition the Lieutenant-Governor for the grant of a Charter.

Contents

(2) The petition, Form 3, shall show:

(*a*) The proposed corporate name of the corporation;

(*b*) The objects for which the corporation is to be incorporated;

(*c*) The place within Ontario where the head office of the corporation is to be situated;

(*d*) The name in full, the place of residence and the calling of each of the applicants.

(*e*) The names of the first directors of the Corporations.

Memorandum of agreement.

(3) The petition shall be accompanied by a memorandum of agreement in duplicate, Form 4, signed by the petitioners setting out such regulations as may be deemed expedient for:

(*a*) The election of members, trustees, directors and officers;

(*b*) The holding of meetings of members, trustees and directors;

(*c*) The establishment of branches;

(*d*) The payment of directors, trustees, officers and employees; and

(*e*) The control and management of the affairs of the corporation.

Form of.

(4) The memorandum shall be expressed in separate paragraphs numbered consecutively, and the petitioners may adopt all or any of the provisions of Form 4 or may substitute others therefor. 7 Edw. VII. c. 34, s. 5.

Effect of regulations in memorandum.

**7.** In so far as the Letters Patent and Supplementary Letters Patent do not exclude or modify the regulations in Form 4 these regulations shall so far as practicable be the regulations of the Company in the same manner and to the same extent as if they were contained in the Letters Patent or Supplementary Letters Patent.

**8.**

Change of name or terms of application.

**8.** The Lieutenant-Governor on an application for Letters Patent or Supplementary Letters Patent may give to the corporation a name different from its proposed or existing name, as the case may be, and may vary the objects or other provisions or terms stated in the petition. 7 Edw. VII. c. 34, s. 6.

Creation of capital of corporation without share capital.

**9.** A corporation without share capital heretofore or hereafter incorporated with the consent in writing of all its members, may by by-law provide for the creation of a capital divided into shares and for the allotment and payment of such shares and may fix and prescribe the rights and privileges of the shareholders; but no such by-law shall take effect until confirmed by Letters Patent. 7 Edw. VII. c. 34, s. 6.

Amalgamation of corporations

**10.**—(1) Any two or more corporations to which this Act applies having the same or similar objects within the scope of this Act, may, in the manner herein provided, amalgamate and may enter into all contracts and agreements necessary to such amalgamation.

Joint agreement between directors proposing to amalgamate, etc.

(2) The corporations proposing to amalgamate, may enter into a joint agreement for the amalgamation prescribing the terms and conditions thereof, the mode of carrying the same into effect, and stating the name of the new corporation, the names, callings, and places of residence of the first directors thereof and how and when the subsequent directors shall be elected, with such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the new corporation, and in cases of companies the number of shares of the capital, the par value of each share, and the manner of converting the share capital of each of the corporations into that of the new corporation.

To be submitted to shareholders or members of each corporation

(3) The agreement shall be submitted to the shareholders or members of each of the corporations at a general meeting thereof, called for the purpose of taking the same into consideration.

Consideration of agreement and certificate of adoption.

(4) At such meetings of shareholders or members the agreement shall be considered, and if two-thirds of the votes of all the shareholders or members of each of such corporations are for the adoption of the agreement, that fact shall be certified upon the agreement by the secretary of each of such corporations under the corporate seal thereof.

Petition for amalgamation.

(5) Thereupon the several corporations by their joint petition may apply to the Lieutenant-Governor for Letters Patent confirming the agreement, and on and from the date of the Letters Patent the corporations shall be deemed and taken to be amalgamated and to form one corporation by the name in the Letters Patent provided, and the corporation so incorporated shall possess all the property, rights, privileges and franchises and be subject to all the liabilities, contracts, disabilities and duties of each of the corporations so amalgamated. 7 Edw. VII. c. 34, s. 8.

Re-incorporation of corporation.

**11**. A corporation incorporated for purposes or objects within the scope of this Act, whether under a special or general Act, and being at the time of its application a subsisting and valid corporation, may apply for Letters Patent under this Act; and the Lieutenant-Governor may grant Letters Patent incorporating the shareholders or members of the corporation as a corporation under this Act. 7 Edw. VII. c. 34, s. 9.

Extension of powers on re-incorporation.

**12**. Where an existing corporation applies for the issue of Letters Patent under the provisions of the next preceding section, the Lieutenant-Governor may, by Letters Patent, limit the powers of the corporation or extend them to such other objects within the scope of this Act, as the applicant desires, name the first directors of the new corporation, and give to it the name of the old corporation or any other name. 7 Edw. VII. c. 34, s. 10.

Rights of creditors preserved.

**13**. All rights of creditors against the property, rights and assets of a corporation amalgamated or re-incorporated under the provisions of this Act, and all liens upon its property, rights and assets shall be unimpaired by such amalgamation, or re-incorporation, and all debts, contracts, liabilities and duties of such corporations shall thenceforth attach to the new or re-incorporated corporation and may be enforced against it to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it. 7 Edw. VII, c. 34, s. 11.

Conversion of private company into a public company.

**14**. A private company may be converted into a public company by Supplementary Letters Patent if

Resolution therefor.

(*a*) A resolution determining that it is expedient that the company should be so converted is passed by a two-thirds vote of the shareholders at a general meeting of the company, called for the purpose of considering the resolution, and

(*b*)

(*b*) The company files with the Provincial Secretary such a statement in lieu of a prospectus, as the company, if a private company, would have had to file before allotting any of its shares or debentures, together with such a statutory declaration as the company if a public company would have had to file before commencing business. Filing statement, etc.

**15.**—(1) Where a corporation has ceased to carry on business except for the purpose of winding up its affairs and has no debts or obligations that have not been provided for or protected the directors may pass by-laws for distributing the assets of the corporation or any part of them among the shareholders.

(2) The by-law shall not take effect unless or until it is confirmed by a two-thirds vote of the shareholders present in person or by proxy at a general meeting duly called for considering the same and by the Lieutenant-Governor in Council.

**16.**—(1) The directors of a corporation may pass a by-law authorizing an application to the Lieutenant-Governor for the issue of Supplementary Letters Patent, providing for:— Supplementary letters patent for certain purposes.

(*a*) Increasing or decreasing the capital; Varying capital stock.

(*b*) Re-dividing the capital of the corporation into shares of smaller or larger amount; Re-dividing shares.

(*c*) Limiting the powers of the corporation or extending them to such objects within the scope of this Act as the corporation may desire; Extending powers.

(*d*) Limiting or increasing the amount which the corporation may borrow upon debentures or otherwise; Limiting borrowing powers.

(*e*) Varying any provision contained in the special Act or Letters Patent or Supplementary Letters Patent; Amending charter.

(*f*) Any other matter or thing in respect of which provision might have been made had the corporation been incorporated under this Act. 7 Edw. VII. c. 34, s. 13; 8 Edw. VII. c. 43, s. 1 (2). Making other provisions

(2) The application shall not be made until the by-law has been confirmed by a vote of the shareholders present or represented by proxy, at a general meeting duly called for Confirming by-law.

considering

considering the same, and holding not less than two-thirds of the issued capital stock represented at such meeting or by a vote of two-thirds of the members so present or represented as the case may be.

Increase of capital.

(3) The capital shall not be increased until ninety per centum of the authorized capital has been subscribed and fifty per centum paid thereon.

Effect of reduction of capital on liability.

(4) On a reduction of the capital of a company the liability of shareholders to persons who at the time of such reduction are creditors shall remain as though the reduction had not been made.

Preliminary conditions to be established.

**17**. Before Letters Patent or Supplementary Letters Patent are issued the applicants shall establish to the satisfaction of the Provincial Secretary the sufficiency of the petition, memorandum of agreement, by-laws, resolution and all documents filed on such application, and shall furnish such evidence of the *bona fides* of the application as he may deem necessary. 7 Edw. VII. c. 34, s. 14.

Proofs of matters under this Act.

**18**. The Provincial Secretary, or any officer to whom the application may be referred, may take evidence under oath.

Conditions may be imposed in letters patent of incorporation.

**19**. The Letters Patent or Supplementary Letters Patent may impose any conditions with respect to the by-laws of a corporation or any amendments thereof, and in such event the corporation shall not carry on its undertaking, or any part thereof, nor shall the by-laws be of any force or validity until the conditions so imposed are complied with. 9 Edw. VII. c. 66, s. 1, *part*.

Provincial Secretary may appoint auditor.

**20**. The Letters Patent or Supplementary Letters Patent may authorize the Provincial Secretary whenever he sees fit to appoint an auditor to examine the books of the corporation or an inspector to inspect its undertaking and affairs, or to call a general meeting of its shareholders or members, upon such terms as may be therein set out. 9 Edw. VII. c. 66, s. 1, *part*.

Notice of issuing letters patent.

**21**. Notice of the granting of Letters Patent or Supplementary Letters Patent shall be given forthwith by the Provincial Secretary in the *Ontario Gazette*. 7 Edw. VII. c. 34, s. 16, *part*.

Existence of corporation to date from letters patent.

**22**. A corporation shall be deemed to be existing from the date of the Letters Patent incorporating the same. 7 Edw. VII. c. 34, s. 16, *part*.

Powers incident to company.

**23**.—(1) A company shall possess as incidental and ancillary to the powers set out in the Letters Patent or Supplementary Letters Patent power to:—

(*a*)

(*a*) Carry on any other business, whether manufacturing or otherwise, capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights;

(*b*) Acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the company is authorized to carry on, or possessed of property suitable for the purposes of the company;

(*c*) Apply for, purchase or otherwise acquire, any patents, licenses, concessions and the like, conferring any exclusive or non-exclusive, or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated directly or indirectly to benefit the company, and to use, exercise, develop or grant licenses in respect of, or otherwise turn to account the property, rights or information so acquired;

(*d*) Enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise, with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the company is authorized to carry on or engage in or any business or transaction capable of being conducted so as directly or indirectly to benefit the company; and to lend money to, guarantee the contracts of, or otherwise assist any such person or company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

(*e*) Subject to section 92, take, or otherwise acquire and hold, shares in any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company;

(*f*) Enter into any arrangements with any authorities, municipal, local or otherwise, that may seem

seem conducive to the company's objects, or any of them, and to obtain from any such authority any rights, privileges and concessions which the company may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

(*g*) Establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependents or connections, of such persons, and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object;

(*h*) Promote any company or companies for the purpose of acquiring or taking over all or any of the property and liabilities of the company, or for any other purpose which may seem directly or indirectly calculated to benefit the company;

(*i*) Purchase, take on lease or in exchange, hire or otherwise acquire, any personal property and any rights or privileges which the company may think necessary or convenient for the purposes of its business and in particular any machinery, plant, and stock in trade;

(*j*) Construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, watercourses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences which may seem calculated directly or indirectly to advance the company's interests, and to contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof;

(*k*) Lend money to customers and others having dealings with the company and to guarantee the performance of contracts by any such persons;

(*l*) Draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, and other negotiable or transferable instruments;

(*m*)

(*m*) Sell or dispose of the undertaking of the company or any part thereof for such consideration as the company may think fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the company, if authorized so to do by the vote of a majority in number of the shareholders present or represented by proxy, at a general meeting duly called for considering the matter and holding not less than two-thirds of the issued capital stock of the company.

(*n*) Adopt such means of making known, the products of the company as may seem expedient, and in particular by advertising in the press, by circulars, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes, rewards and donations;

(*o*) Sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the company;

(*p*) Do all or any of the above things, and all things authorized by the Letters Patent or Supplementary Letters Patent as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;

(*q*) Do all such other things as are incidental or conducive to the attainment of the above objects.

Powers may be withheld.

(2) All or any of the powers set out in subsection 1 may be withheld by the Letters Patent or Supplementary Letters Patent. 7 Edw. VII. c. 34, s. 17.

Incidental powers.

**24.**—(1) A corporation incorporated under this Act shall have power:—

Buildings, etc.

(*a*) To construct, maintain and alter any buildings or works necessary or convenient for the purposes of the corporation;

Real estate.

(*b*) To acquire by purchase, lease or other title and to hold any real estate necessary for the carrying on of its undertaking, and when no longer required to sell, alienate and convey the same.

Incorporation subject to trusts.

(2) The corporation shall, upon its incorporation, be invested with all the property and rights, real and personal theretofore held by or for it under any trust created with a view to its incorporation. 7 Edw. VII. c. 34, s. 18.

**25.**

Payment of property acquired in shares

**25.** The directors if authorized so to do by a vote of shareholders present or represented by proxy at a general meeting duly called for considering the matter and holding not less than two-thirds of the issued capital stock represented at the meeting may pay for any property acquired or taken over or purchased under the provisions of clause (*h*) or clause (*i*) of subsection 1 of section 23 or clause (*b*) of section 24 wholly or partly in shares fully or partly paid up.

Restrictions as to holding real estate

**26.**—(1) Unless other special statutory enactments apply, any land or interest therein at any time acquired by the corporation and not required for its actual use and occupation or for the purposes of its business, or not held by way of security, shall not be held by the corporation or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, or after it has ceased to be required for its actual use and occupation or for the purposes of its business but shall be absolutely sold and disposed of, so that the corporation shall no longer retain any interest therein unless by way of security.

Forfeiture of.

(2) Any such land or interest therein not within the exceptions hereinbefore mentioned, held by the corporation for a longer period than seven years, without being disposed of, shall be forfeited to His Majesty for the use of Ontario.

Proviso.

(3) The Lieutenant-Governor in Council may extend such period from time to time not exceeding in the whole twelve years, and no such forfeiture shall take effect or be enforced until the expiration of at least six months after notice in writing to the corporation of the intention of His Majesty to claim the same, and during such six months the corporation may dispose of the land or its interest therein.

Statement to be furnished Provincial Secretary.

(4) The corporation shall give to the Provincial Secretary, when required, a full and correct statement of all lands or interests therein at the date of such statement held by or in trust for the corporation. 7 Edw. VII. c. 34, s. 19.

Certain informalities not to invalidate letters patent, etc.

**27.** The provisions of this Act relating to matters preliminary to the issue of the Letters Patent or Supplementary Letters Patent shall be deemed to be directory only; and no Letters Patent or Supplementary Letters Patent, notice, order or other proceeding by or on behalf of the Lieutenant-Governor, Provincial Secretary or other Government or Departmental officer under this Act shall be void or voidable on account of any irregularity, or otherwise, in respect of any matter preliminary to the issue of the Letters Patent or Supplementary Letters Patent, notice, order or other proceeding or of any alterations in any petition or documents submitted in order to comply with this Act or with the departmental practice thereunder. 7 Edw. VII. c. 34, s. 20.

**28.**

Forfeiture of charter for non-user.

**28.**—(1) If a corporation incorporated by Letters Patent does not go into actual *bona fide* operation within two years after incorporation, or for two consecutive years does not use its corporate powers, such powers, except so far as is necessary for the winding up of the corporation, shall be *pro facto* forfeited.

Proof of user.

(2) In any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation.

Rights of creditors not to be prejudiced.

(3) No such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of the forfeiture. 7 Edw. VII. c. 34, s. 21.

Revocation of charter.

**29.** The Letters Patent by which a corporation is incorporated and any Supplementary Letters Patent amending or varying the same, may, at any time, be declared to be forfeited and may be revoked and made void by the Lieutenant-Governor in Council on sufficient cause being shown, upon such conditions and subject to such provisions as he may deem proper. 7 Edw. VII. c. 34, s. 22.

Company with less than five members exercising corporate powers, shareholders personally liable.

**30.**—(1) If a corporation exercises its corporate powers when the number of its shareholders or members is less than five, for a period of more than six months after the number has been so reduced, every person who is a shareholder or member of the corporation during the time that it so exercised its corporate powers after such period of six months and is cognizant of the fact that it so exercises its corporate powers, shall be severally liable for the payment of the whole of the debts of the corporation contracted during such time, and may be sued for the same without the joinder in the action of the corporation or of any other shareholder or member.

Shareholder by protest may relieve himself from liability.

(2) A shareholder or member who has become aware that the corporation is so exercising its corporate powers, may serve a protest in writing on the corporation and may by registered letter notify the Provincial Secretary of such protest having been served and of the facts upon which it is based and such shareholder or member may thereby and not otherwise from the date of his protest and notification exonerate himself from liability.

Revocation of charter if number of shareholders not brought up to five.

(3) If after notice from the Provincial Secretary, the corporation refuses or neglects to bring the number of its shareholders or members up to five such refusal or neglect may, upon the report of the Provincial Secretary, be regarded by the Lieutenant-Governor in Council as sufficient cause for the revocation of the charter of the corporation. 7 Edw. VII. c. 34, s. 23.

Surrender of charter.

**31.** The charter of a corporation incorporated by Letters Patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor:—

(*a*) That it has no debts or obligations; or,

(*b*) That it has parted with its property, divided its assets rateably amongst its shareholders or members and has no debts or liabilities, or,

(*c*) That the debts and obligations of the corporation have been duly provided for or protected or that the creditors of the corporation or other persons holding them consent; and

(*d*) That the corporation has given notice of the application for leave to surrender by publishing the same once in the *Ontario Gazette* and once in a newspaper published at or as near as may be to the place where the corporation has its head office.

Acceptance of surrender and dissolution of corporation.

(2) The Lieutenant-Governor upon a due compliance with the provisions of this section, may accept a surrender of the charter and direct its cancellation, and fix a date upon and from which the corporation shall be dissolved, and the corporation shall thereby and thereupon become dissolved accordingly. 7 Edw. VII. c. 34, s. 24.

Termination of existence of corporations.

**32.** The corporate existence of a corporation incorporated otherwise than by Letters Patent may be terminated by order of the Lieutenant-Governor upon petition therefor by such corporation under like circumstances, in like manner and with like effect as a corporation incorporated by Letters Patent may surrender its charter. 7 Edw. VII. c. 34, s. 25.

Regulations by Lieutenant-Governor in Council.

**33.** The Lieutenant-Governor in Council may make regulations with respect to:—

(*a*) The cases in which notice of application for Letters Patent or Supplementary Letters Patent must be given;

(*b*) The forms of Letters Patent, Supplementary Letters Patent, notices and other instruments and documents relating to applications and other proceedings;

(*c*) The form and manner of the giving of any notice required by this Act;

(*d*)

(*d*) Such other matters as he may deem necessary or expedient for carrying out the objects and provisions of this Act and such regulations shall be published in the *Ontario Gazette* and shall be laid before the Assembly forthwith if the Assembly is then in Session and if not then in Session within fifteen days after the opening of the next Session.

and such regulations shall be published in the *Ontario Gazette*. 7 Edw. VII. c. 34, s. 26.

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## PART II.

### NAME OF CORPORATION.

Use of word "Limited."

**34.**—(1) The corporate name of every company with share capital shall have the word "Limited" as the last word thereof.

(2) Where the company or any director, manager, officer or employee thereof uses the name of the company, the word "Limited" shall appear as the last word thereof.

(3) Stamping, writing, printing, or otherwise marking on goods, wares and merchandise of the company, or upon packages containing the same shall not be deemed to be a use of the name within the provisions of this section.

(4) Where the word "company," "club," "association," or other equivalent word forms part of the name the word "Limited" may be abbreviated to "Ltd." or "Ld."

Penalty.

(5) Every company and every director, manager, officer or other employee making default in complying with the foregoing provisions of this section shall incur a penalty not exceeding $10 for a first offence and not exceeding $100 for every subsequent similar offence. 7 Edw. VII. c. 34, s. 27. *Part.*

Name to be free from objection.

**35.** The corporate name shall be one which is not objectionable upon any public ground and is not that of any known corporation or association incorporated or unincorporated, or of any partnership or of any individual or any name under which any known business is being carried on, or so nearly resembling the same as to be calculated to deceive; but a subsisting corporation, association, partnership, individual or person may consent that its or his name, in whole or in part, be granted to a new corporation incorporated for the purpose of acquiring or promoting the objects of such business. 7 Edw. VII. c. 34, s. 28.

Proviso

Failure to make annual returns.

**36.**—(1) The name of a corporation which has not, for three consecutive years, made the annual summary prescribed by this Act, may be given in whole or in part to a new corporation, unless the defaulting corporation, on notice by the Provincial Secretary by registered letter addressed to the corporation or its president at the address shown by its last return, proves to the satisfaction of the Lieutenant-Governor that it is still a subsisting corporation.

Where not entitled to use of name.

(2) If at the end of one month from the date of such notice, the Provincial Secretary has not been satisfied by the corporation or its president that the corporation is a subsisting corporation it shall be no longer entitled to the use of the corporate name.

Name may be given to another corporation.

(3) Where no annual summary has been filed by a corporation for three years immediately following its incorporation its name may be given to another corporation without notice and such first-mentioned corporation shall be deemed not to be subsisting. 7 Edw. VII. c. 34, s. 29.

Change of name if objectionable.

**37.** Where it is made to appear to the satisfaction of the Lieutenant-Governor in Council that any corporation is incorporated under a name the same as, or so similar to that of an existing corporation, company, partnership, association, individual, or business as to be calculated to deceive, the Lieutenant-Governor in Council may by Order change the name of the corporation. 7 Edw. VII. c. 34, s. 30.

Applications to Lieut.-Governor to change names of companies.

**38.**—(1) Where a corporation is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the corporation is solvent, and that the change desired is not for any improper purpose, and is not otherwise objectionable, may change the name of the corporation.

In case proposed name is objectionable.

(2) Where the proposed name is considered objectionable, the Lieutenant-Governor may change the name of the corporation to some unobjectionable name. 7 Edw. VII. c. 34, s. 31.

Notice of change.

**39.** Notice of the change of the name of a corporation shall be given by the Provincial Secretary by publication in the *Ontario Gazette*. 7 Edw. VII. c. 34, s. 32.

Change not to affect rights or obligations.

**40.** The alteration of the name of a corporation shall not affect its rights or obligations. 7 Edw. VII. c. 34, s. 33.

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PART

## PART III.

### MEETINGS OF COMPANY.

*First Meeting of Private Company.*

First meeting.

**41.**—(1) The provisional directors of a private company or a company which does not offer shares, debentures or debenture stock to the public for subscription, shall call a general meeting of the company to be held at a convenient place within two months from the date of the Letters Patent for the purpose of electing directors, appointing auditors, sanctioning the by-laws of the company, and transacting such other business as may be necessary to enable the company to carry on its undertaking, and shall, at least ten days before the day on which such meeting is to be held, give notice of such meeting by registered letter addressed to each shareholder, setting out in detail the business to be transacted and matters to be considered thereat.

Report at first meeting.

(2) The provisional directors shall report to such meeting

(*a*) The number of shares subscribed;

(*b*) The names of the subscribers;

(*c*) The amount paid thereon;

(*d*) All contracts entered into by or on behalf of the company;

(*e*) The amount of the preliminary expenses, and

(*f*) A financial statement of the affairs of the company signed by the auditors, if any.

Shareholders may call.

(3) If the meeting is not called by the provisional directors as aforesaid, any three or more shareholders may call the meeting. 7 Edw. VII. c. 34, s. 34.

(*As to statutory meeting of public companies, see section 115.*)

*General Meetings.*

Notice of meeting.

**42**. In default of other express provision in the Special Act, the Letters Patent, or Supplementary Letters Patent or by-laws of a company, notice of the time and place for holding general meetings of every company, including the statutory meeting and the annual and special meetings shall be given at least ten days previously thereto by registered letter to each shareholder at his last known address, and by an advertisement

ment in a newspaper published at or as near as may be to the place where the company has its head office and to the chief place of business of the company, if these differ. 7 Edw. VII. c. 34, s. 35.

Annual meeting.

**43.**—(1) The annual meeting of the shareholders of the company shall be held at such time and place in each year as the Special Act, Letters Patent, Supplementary Letters Patent or by-laws of the company may provide, and in default of any such provision, on the fourth Wednesday in January in every year.

Report to be sent shareholders.

(2) The directors shall at least seven days before the day on which the meeting is held send by post to every shareholder a report containing

Balance sheet.

(*a*) A balance sheet made up to a date not more than three months before such annual meeting;

Abstract of income and expenditure.

(*b*) An abstract of income and expenditure for the financial period ending upon the date of such balance sheet;

Auditor's report.

(*c*) The report of the auditor or auditors;

Further necessary information.

(*d*) Such further information respecting the company's financial position as the Special Act, the Letters Patent, Supplementary Letters Patent, or the by-laws of the company may require;

and the directors shall lay such report before the meeting.

Balance sheet to show assets and liabilities.

(3) Every balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:

(*a*) Cash;

(*b*) Debts owing to the company from its customers;

(*c*) Debts owing to the company from its directors, officers and shareholders;

(*d*) Stock in trade;

(*e*) Expenditures made on account of future business;

(*f*) Land, buildings and plant;

(*g*) Goodwill, franchises, patents and copyrights, trademarks, leases, contracts and licenses;

(*h*)

(*h*) Debts owing by the company secured by mortgage or other lien upon the property of the company;

(*i*) Debts owing by the company but not secured;

(*k*) Amount received on common shares;

(*l*) Amount received on preferred shares;

(*m*) Indirect and contingent liabilities. 7 Edw. VII. c. 34, s. 36; 8 Edw. VII. c. 43, s. 1 (3). *Amended.*

(4) If the by-laws of the company so provide it shall not be necessary to send the report mentioned in subsection 2 to the shareholders.

Special general meeting by directors on requisition therefor.

**44.**—(1) Upon the receipt of a requisition in writing signed by the holders of not less than one-tenth of the subscribed shares of the company setting out the objects of the proposed meeting the directors, or if there is not a quorum in office the remaining directors or director, shall forthwith convene a special general meeting of the company for the transaction of the business mentioned in the requisition.

By shareholders.

(2) If the meeting is not called and held within twenty-one days from the date upon which the requisition was left at the head office of the company, any shareholders holding not less than one-tenth in value of the subscribed shares of the company whether they signed the requisition or not may themselves convene such special general meeting.

By directors.

(3) The directors may at any time, of their own motion, call a special general meeting of the company for the transaction of any business.

Notice of.

(4) Notice of any special general meeting shall state the business which is to be transacted at it. 7 Edw. VII. c. 34, ss. 37 and 38. *Redrafted.*

Presiding officer.

**45.** The president shall preside as chairman at every general meeting of the company, and if there is no president or vice-president, or if at any meeting neither of them is present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose one of their number to be chairman. 7 Edw. VII. c. 34, s. 39.

Chairman to be elected when necessary.

Adjournment by consent.

**46.** The chairman may with the consent of the meeting and subject to such conditions as the meeting may decide, adjourn any meeting from time to time and from place to place. 7 Edw. VII. c. 34, s. 40.

**47.**

Procedure as to resolution

**47.**—(1) At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the minutes of the company, shall be *prima facie* evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution. 7 Edw. VII. c. 34, s. 41.

Taking vote when poll is demanded

(2) If a poll is demanded, it shall be taken in such manner as the by-laws prescribe, and if the by-laws make no provision therefor, then as the chairman may direct.

Casting vote

(3) In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote. 7 Edw. VII. c. 34, s. 42.

Votes

**48.** Subject to the Special Act, Letters Patent, Supplementary Letters Patent or by-laws at all meetings of shareholders every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote by proxy, but no shareholder in arrear in respect of any call shall be entitled to vote at any meeting. 7 Edw. VII. c. 34, s. 43.

Shareholders in arrear not to vote

Proxy

**49.**—(1) The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorized in writing or if the appointor is a corporation either under the Common Seal or under the hand of an officer or attorney so authorized, and shall cease to be valid after the expiration of one year from the date thereof.

Who may act as

(2) No person shall act as a proxy unless he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy or has been appointed to act at that meeting as proxy for a corporation.

Not to vote on show of hands

(3) A proxy for an absent shareholder shall not have the right to vote on a show of hands.

Form of

(4) An instrument appointing a proxy may be according to Form 6 or such other form as may be prescribed by the by-laws of the corporation and shall not contain anything but the appointment of the proxy or a revocation of a former instrument appointing a proxy.

Revocation of

(5) An instrument appointing a proxy may be revoked at any time.

When to be held

**50.** Meetings of the shareholders, directors and Executive Committees shall be held at the place where the head office

of

of the company is situate except when otherwise provided by the Special Act, Letters Patent, Supplementary Letters Patent or the by-laws of the company, but shall not be held out of Ontario, unless when so authorized by the Special Act, Letters Patent or Supplementary Letters Patent. (*See* 7 Edw. VII. c. 34, s. 44; 8 Edw. VII. c. 43, s. 1 (4); 1 Geo. V. c. 17, s. 9.)

## PART IV.

### SHARES, CALLS.

Subsidized companies —limit of shareholder's holding in certain cases.

**51.** No shareholder of a co-operative cold storage company or association to which aid has been or may hereafter be granted under the provisions of any statute or of a cheese and butter manufacturing company carried on on the co-operative plan, shall hold shares to an amount exceeding $1,000. 7 Edw. VII. c. 34, s. 49.

Share certificate.

**52.**—(1) Every shareholder shall, without payment, be entitled to a certificate under the common seal of the company, stating the number of shares held by him and the amount paid up thereon, but, in respect of a share or shares held jointly by several persons, the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint shareholders shall be sufficient delivery to all. 7 Edw. VII. c. 34, s. 46.

Certificate *prima facie* evidence.

(2) The certificate shall be *prima facie* evidence of the title of the shareholder to the shares mentioned in it. *New.*

Shares issued in pounds sterling or francs.

(3) Where a company issues shares in pounds sterling or francs, shares previously issued in Canadian currency may, at the option of the holder, be exchanged for shares in pounds sterling, francs or marks.

Fixed value of shares so issued.

(4) For the purpose of dividends, distribution of assets, voting and all other matters relating to the amount of shares issued in pounds sterling or francs or marks, one pound sterling or twenty-five francs or marks shall be calculated as five dollars.

Shares to include share warrants.

(5) Shares shall include share warrants, where the company is authorized to issue the same. 10 Edw. VII. c. 80, s. 2.

Lost certificate

**53.** If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding twenty-five cents and on such terms, if any, as to evidence and indemnity as the directors think fit. 7 Edw. VII. c. 34, s. 47.

**54.**

Shares personal estate.

**54.**—(1) The shares of the company shall be deemed personal estate and shall be transferable on the books of the company, in such manner and subject to such conditions and restrictions as by this Act, the Special Act, the Letters Patent, Supplementary Letters Patent or by-laws of the company may be prescribed. 7 Edw. VII. c. 34, s. 48.

Right to transfer shares.

(2) Subject to section 56, no by-law shall be passed which in any way restricts the right of a holder of paid up shares to transfer the same, but nothing in this section shall prevent the regulation of the mode of transfer thereof. *New.*

Directors may refuse transfer of shares in certain cases.

**55.**—(1) No transfer of shares the whole amount whereof has not been paid up shall be made without the consent of the directors.

Their liability if they allow transfers to persons without means.

(2) Where any such transfer is made with the consent of the directors to a person who is not apparently of sufficient means to fully pay up such shares, subject to subsection 3, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been.

Relief from liability by entering protest.

(3) If any director present when such transfer is allowed forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such transfer, and is able to do so, enters his written protest against the same and within eight days thereafter causes such protest to be notified by registered letter to the Provincial Secretary, such director shall thereby and not otherwise exonerate himself from such liability.

Liability where call remains unpaid.

(4) Where a share upon which a call is unpaid is transferred with the consent of the directors the transferee shall be liable for the call to the same extent and with the same liability to forfeiture of the shares if the call remains unpaid as if he had been the holder when the call was made and the transferor shall remain also liable for the call until it has been paid. 7 Edw. VII. c. 34, s. 50. *Amended.*

Refusal to register transfer of shareholder indebted to corporation.

**56.** Where the Letters Patent, Supplementary Letters Patent or by-laws of a corporation confer that power on the directors they may decline to register a transfer of shares belonging to a shareholder who is indebted to the corporation. (See R.S.C. (1906), c. 79, s. 67.)

Closing transfer books pending distribution of dividend.

**57.** The directors, upon the passing of a by-law authorizing the payment of a dividend upon shares, may direct that no entry of transfers shall be made in the books of the company

pany for a period of two weeks immediately preceding the payment of such dividend and payment thereof shall be made to the shareholders of record on the date of closing such books. 7 Edw. VII. c. 34, s. 51.

Transfer valid only after entry.

**58.** No transfer of shares unless made by sale under execution, or under the order or judgment of a competent court shall, until entry thereof has been duly made, be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and if absolute as rendering the transferee and the transferor jointly and severally liable to the company and its creditors, until entry thereof has been duly made in the books of the company. 7 Edw. VII. c. 34, s. 52.

Transferor may be notified.

**59.**—(1) The directors may, for the purpose of notifying the person registered therein as owner of such shares, refuse to allow the entry in any such books of a transfer of shares, and in that event shall forthwith give notice to the owner of the application for the entry of the transfer.

Owner may lodge caveat.

(2) Such owner may lodge a caveat against the entry of the transfer, and thereupon such transfer shall not be made for a period of forty-eight hours.

Transfer may be entered if no order served.

(3) If within one week from the giving of such notice or the expiration of the period of forty-eight hours, whichever shall last expire, no order of a competent court enjoining the entry of such transfer, shall have been served upon the company the transfer may be entered.

Company not to be liable if section complied with.

(4) Where a transfer is entered after the proceedings mentioned in this section the company shall, in respect of the shares so transferred, be free from liability to a person whose rights are purported to be transferred, but without prejudice to any claim which the transferor may have against the transferee. 7 Edw. VII. c. 34, s. 53. *Amended.*

Calling in instalments.

**60.**—(1) The directors may call in and demand from the shareholders the amount unpaid on shares by them subscribed or held, at such times and places and in such payments or instalments as the Special Act, the Letters Patent, Supplementary Letters Patent, this Act, or the by-laws of the company require or allow; and interest shall accrue upon the amount of any unpaid call, from the day appointed for payment of such call. 7 Edw. VII. c. 34, s. 55.

Demand to state liability to forfeiture.

(2) The demand shall state that in the event of non-payment the shares in respect of which the call was made will be liable to be forfeited. (*See* Palmer's Precedents, p. 97. forms 251-5.)

Forfeiture of shares

(3) If, after the demand, any call is not paid within the time and in the manner provided by the Special Act, the Letters Patent, Supplementary Letters Patent or the by-laws the directors, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of, as by by-law or otherwise the company may ordain; but such forfeiture shall not relieve the shareholder of any liability to the company or to any creditor. 7 Edw. VII. c. 34, s. 56.

SHARE WARRANTS.

Issue of share warrants.

**61**. A company, if authorized so to do by the Special Act, the Letters Patent or Supplementary Letters Patent and subject to the provisions thereof, may, with respect to any share which is fully paid up, upon the deposit of the share certificate, if any, issue under its common seal a warrant herein called a share warrant stating that the bearer of the warrant is entitled to the share and may provide, by coupons or otherwise, for the payment of the future dividends on such share. 7 Edw. VII. c. 34, s. 57.

Holders of share warrants.

**62**. A share warrant shall entitle the bearer to the shares specified in it and such shares may be transferred by the delivery of the share warrant. 7 Edw. VII. c. 34, s. 58.

Surrender of share warrants.

**63**. The bearer of a share warrant, subject to the provisions respecting share warrants contained in the Letters Patent or Supplementary Letters Patent, shall be entitled, on surrendering such warrant for cancellation, to have his name entered as a shareholder in the register of shareholders, and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register of shareholders the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled. 7 Edw. VII. c. 34, s. 59.

Holders of share warrants not to be deemed shareholders for certain purposes.

**64**. The bearer of a share warrant may, if the Letters Patent or Supplementary Letters Patent so provide, be deemed to be a shareholder of the company, either to the full extent or for such purposes as may be thereby prescribed, but he shall not be qualified in respect of the shares specified in such warrant to be a director where the by-laws of the company provide that a director must be the holder of a specified number of shares. 7 Edw. VII. c. 34, s. 60. *Amended.*

Holders of share warrants not to sign requisition for meetings.

**65**. Except as herein otherwise expressly provided no person shall, as a bearer of a share warrant, sign a requisition for calling a meeting of the company, or attend, or vote, or exercise any other privilege of a shareholder at a meeting of the company, or be entitled to receive any notices from the company; but the bearer of a share warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of shareholders as the holder of the shares included in the warrant, and he shall be a shareholder of the company. 7 Edw. VII. c. 34, s. 64.

Entries in register where share warrant issued.

**66**. On the issue of a share warrant in respect of any share, the company shall strike out of its register of shareholders the name of the shareholder then entered therein as holding such share as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

(*a*) The fact of the issue of the warrant;

(*b*) A statement of the shares included in the warrant;

(*c*) The date of issue of the warrant. 7 Edw. VII. c. 34, s. 61.

Entries of share warrants.

**67**. Until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by section 116 to be entered in the register of shareholders; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder. 7 Edw. VII. c. 34, s. 62.

Deposit of share warrants

**68**.—(1) The bearer of a share warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a shareholder at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of shareholders as the holder of the shares included in the deposited warrant, and the company shall, on two days' written notice, return the deposited share warrant to the depositor.

Only one person recognized as depositor.

(2) Not more than one person shall be recognized as depositor of the share warrant. 7 Edw. VII. c. 34, s. 63.

Lost share warrant.

**69**. The directors may make rules as to the terms on which a new share warrant or coupon may be issued in case of the defacement, loss or destruction of the original. 7 Edw. VII. c. 34, s. 65.

SHAREHOLDERS.—EXECUTION OF TRUSTS.

Trusts

**70.**—(1) A company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share is subject.

Sufficient discharge

(2) The receipt of the person in whose name the same stands on the books of the company shall be a sufficient discharge to the company for any payment made in respect of such share, whether or not the company had notice of such trust.

Application of money paid.

(3) The company shall not be bound to see to the application of the money paid upon such receipt. 7 Edw. VII. c. 34, s. 66.

Trustees, etc., may vote.

**71.**—(1) An executor, administrator, guardian, trustee or committee of a lunatic shall represent the shares in his hands at all meetings of the company and may vote accordingly as a shareholder, and every person who mortgages or hypothecates his shares may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder, unless in the instrument creating the mortgage or hypothecation he has expressly empowered the holder of such mortgage or hypothecation to vote thereon, in which case only such holder or his proxy may vote in respect of such shares.

Mortgagor of stock may vote.

Joint holders of stock.

(2) Subject to the by-laws if shares are held jointly by two or more persons, any one of them present at a meeting may, in the absence of the other or others, vote thereon, but if more than one of them are present, or represented by proxy, they shall vote together on the shares jointly held. 7 Edw. VII. c. 34, s. 67.

Liability of shareholders.

**72.**—(1) Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid on his shares, shall be the amount recoverable against such shareholder. 7 Edw. VII. c. 34, s. 68.

Set-off.

(2) A shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the company, except a claim for unpaid dividend, or a salary or allowance as president or director of the company. 7 Edw. VII. c. 34, s. 69.

**73**. A shareholder shall not, as such, be answerable for any act, default or liability of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the company, beyond the amount unpaid on his shares. 7 Edw. VII. c. 34, s. 70. Shareholders not liable beyond unpaid amount.

**74**.—(1) No person holding shares as executor, administrator, guardian, committee of a lunatic or trustee, of or for any estate, trust or person named in the books of the company as being so represented by him shall be personally subject to any liability as a shareholder; but the estates and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward, lunatic or person, interested therein would be, if living and competent to act as the holder of such shares. 7 Edw. VII. c. 34, s. 71. *Amended.* Trustees not personally liable

(2) If the trust is for a living person not under disability such person shall also be liable as a shareholder. Liability of beneficiary.

(3) If the testator, intestate, ward, lunatic or person so represented is not named in the books of the company, the executor, administrator, guardian, committee or trustee shall be personally liable in respect of such shares as if he held them in his own name as owner thereof. (*See* R.S.O. c. 205, s. 53 (2).) Where testator, etc., not named, executor, etc., liable.

**75**. No person holding shares as collateral security shall, prior to foreclosure, be personally subject to liability as a shareholder, but the person transferring such shares as collateral security shall, until foreclosed, be considered as holding the same, and shall be liable as a shareholder in respect thereof. 7 Edw. VII. c. 34, s. 72. Mortgagees.

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## PART V.

### PREFERENCE AND DEBENTURE STOCK, DEBENTURES AND MORTGAGES.

**76**.—(1) The directors of a corporation may make by-laws for: — By-laws for

(*a*) Borrowing money; Borrowing money.

(*b*) Issuing bonds, debentures, debenture stock, both perpetual and terminable or other securities; Issuing debentures.

(*c*)

Pledging bonds, etc.

(c) Pledging or selling such bonds, debentures or debenture stock, or other securities for such sum and at such prices as may be deemed expedient or be necessary.

By-laws for

(2) The directors of a company may make by-laws for:—

Creating preference shares

(a) Creating and issuing any part of the capital as preference shares;

Conversion of preference shares.

(b) The conversion of preference shares into common shares or debentures or debenture stock, debentures into debenture stock or preference shares, or any class of shares or securities into any other class.

General power to borrow on bills of exchange, etc., not affected.

(3) Nothing in this section shall limit or restrict the power of a corporation to borrow money on bills of exchange, promissory notes, bills of lading, warehouse receipts or other securities of a commercial nature issued in the ordinary course of business. 7 Edw. VII. c. 34, s. 73; 8 Edw. VII. c. 43, s. 1 (5), (6); 1 Geo. V. c. 17, s. 9, *part.*

Sanction of by-law

**77.** No by-law for any of the purposes mentioned in the next preceding section shall take effect until it has been confirmed by a vote of shareholders present, or represented by proxy and holding not less than two-thirds of the issued capital stock represented at the meeting or by a vote of two-thirds of the members so present or represented as the case may be at a general meeting duly called for considering the same.

Terms of issue of preference shares

**78.**—(1) A by-law for the creation and issue of preference shares or for the conversion of shares, debentures or debenture stock into preference shares may provide that the holders of such shares shall have such preference as regards dividends and repayment on dissolution or winding-up as may be therein set out and the right to select a stated proportion of the board of directors, or such other control over the affairs of the company as may be considered expedient; or may limit the right of the holders thereof to specific dividends or control of the affairs of the company or otherwise, not contrary to law or to this Act, and may provide for the purchase or redemption of such shares by the company as therein set out; but any term or provision of such by-law, whereby the rights of holders of such shares are limited or restricted, shall be fully set out in the certificate of such shares, and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the

rights

rights of holders thereof. 7 Edw. VII. c. 34, s. 75; 8 Edw. VII. c. 43, s. 1 (8).

Supplementary letters patent in certain cases.

(2) No such by-law which has the effect of increasing or decreasing the capital of the company, or increasing the amount of the preference stock authorized by the special Act, Letters Patent or Supplementary Letters Patent of the company or otherwise varying any term or provision thereof shall be valid or acted upon until confirmed by Supplementary Letters Patent. 7 Edw. VII. c. 34, s. 77.

Consent of holders to redemption

**79**. Unless preference shares, debenture stock, debentures or bonds are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof. 7 Edw. VII. c. 34, s. 76.

Mortgages to secure debentures, etc.

**80**.—(1) The directors may charge, hypothecate, mortgage, or pledge any or all of the real or personal property, including book debts and unpaid calls, rights, powers, undertaking and franchises, of the corporation to secure any bonds, debentures, debenture stock, or other securities or any liability of the corporation.

Duplicate to be filed.

(2) A duplicate original of such charge, mortgage or other instrument of hypothecation or pledge made to secure such bonds, debentures or debenture stock or other securities shall be forthwith filed in the office of the Provincial Secretary as well as registered under the provisions of any other Act in that behalf. 7 Edw. VII. c. 34, s. 78.

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## PART VI.

### DIRECTORS AND THEIR POWERS, ETC.

Provisional directors.

**81**. The persons named as provisional directors in the Special Act or in the Letters Patent shall be the directors of the company, until replaced by the same number of others duly elected in their stead by the shareholders in general meeting, which shall be held not later than two months after the coming into force of the Special Act or the date of the Letters Patent, and they shall be eligible for election. 7 Edw. VII. c. 34, s. 79.

Board of directors

**82**. The affairs of the company shall be managed by a board of not less than three directors, who shall be elected by the shareholders in general meeting. 7 Edw. VII. c. 34. s. 80.

Business must be transacted at quorum of board

**83.**—(1) Except as in this section provided no business of a company shall be transacted by its directors unless at a meeting of directors at which a quorum of the board shall be present.

Majority to constitute quorum.

(2) Unless otherwise provided by the Letters Patent or Supplementary Letters Patent a majority of the directors shall be necessary to constitute a quorum.

Filling casualties while there is a quorum.

(3) So long as a quorum of directors remains in office vacancies in the board may be filled by such directors as remain in office. 7 Edw. VII. c. 34, s. 81; 8 Edw. VII. c. 43, s. 1 (9).

Calling meeting when no quorum of directors.

(4) Whenever there is not a quorum of directors in office it shall be the duty of the remaining directors or director forthwith to call a meeting of the shareholders to fill the vacancies, and in default the meeting may be called by any shareholder. *New.*

Calling meeting when no directors.

(5) If there are no directors remaining in office a meeting to elect directors may be called without service of any requisition. *New.*

Executive committee.

**84.**—(1) The shareholders of a company having more than six directors, may, by a resolution passed by a vote of those present or represented by proxy and holding not less than two-thirds of the issued capital stock represented at a general meeting called for that purpose authorize the directors to delegate any of their powers to an executive committee, consisting of not less than three, to be elected by the directors from their number.

Committee subject to regulations.

(2) A committee so formed shall, in the exercise of the powers so delegated, conform to any regulation that may be imposed upon them by such resolution or by the directors. 7 Edw. VII. c. 34, s. 82; 8 Edw. VII. c. 43, s. 1 (10).

Qualifications of directors.

**85.** No person shall hold office as a director unless he is a shareholder absolutely in his own right, and not in arrear in respect of any call, and where any director ceases to be such a shareholder he shall thereupon cease to be a director. 7 Edw. VII. c. 34, s. 83.

Election of directors.

**86.** In the absence of other provisions in that behalf, in the Letters Patent or Supplementary Letters Patent or by-laws of the company:—

Yearly.

(*a*) The election of directors shall take place yearly, and all the directors then in office shall retire, but, if otherwise qualified, they shall be eligible for re-election;

(*b*)

(*b*) Every election of directors shall be by ballot; By ballot.

(*c*) The directors shall, from time to time, elect from among themselves a president and, if they see fit, a vice-president of the company; and may also appoint all other officers thereof. (*See* R.S.C. c. 79, s. 78.) President, vice-president and officers.

**87**. If an election of directors is not made, or does not take effect at the proper time, the company shall not thereby be dissolved; but the election may take place at any general meeting of the company duly called for that purpose; and the directors shall continue in office until their successors are duly elected. 7 Edw. VII. c. 34, s. 85. Failure to elect directors—how remedied.

**88**.—(1) A company may, by by-law, vary the number of its directors, but so that the number shall be not less than three, and may change the location of the head office in Ontario, and if so authorized by the Letters Patent or Supplementary Letters Patent fix the quorum of the board. Change by by-law of number of directors or of head office in Ontario.

(2) No such by-law shall take effect until confirmed by a vote of shareholders present or represented by proxy at a meeting duly called for considering the same, and holding not less than two-thirds of the issued capital stock represented at such meeting. By-law to be confirmed by shareholders.

(3) A copy of the by-law certified under the seal of the company shall be forthwith filed in the office of the Provincial Secretary and published in the *Ontario Gazette*; and in case of the removal of the head office, twice in a newspaper published in the place where the head office was located and also twice in a newspaper published in the place to which the head office is to be removed, or, as near thereto as may be. 7 Edw. VII. c. 34, s. 86; 8 Edw. VII. c. 43, s. 1 (11). Notice.

**89**.—(1) The directors may pass by-laws not contrary to law, or to the Letters Patent or Supplementary Letters Patent or to this Act, to regulate: By-laws.

(*a*) The allotment of shares; the making of calls thereon; the payment thereof; the issue and registration of certificates of shares; the forfeiture of shares for non-payment; the disposal of forfeited shares and of the proceeds thereof; the transfer of shares; Shares.

(*b*) The declaration and payment of dividends; Dividends.

(*c*) The amount of the share qualification of the directors and the remuneration of the directors and of the President and Vice-President; Directors' services, etc.

(*d*) The time at which and place where the meetings of the company shall be held; the calling of meetings of the company; and the procedure in all things at such meetings; and except as provided by section 49 the requirements as to proxies; Meetings.

(*e*)

Conduct of affairs generally.

(e) The conduct in all other particulars of the affairs of the company.

Confirmation of by-laws.

(2) Subject to the provisions of subsection 3, every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall have force only until the next annual meeting of the company; and in default of confirmation thereat shall, at and from that time, cease to have force; and in that case no new by-law to the same or the like effect or re-enactment thereof, shall have any force until confirmed at a general meeting of the company.

By-laws may be varied.

(3) The company may either at a general meeting called for that purpose, or at the annual meeting, repeal, amend, vary or otherwise deal with any by-law passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing. 7 Edw. VII. c. 34, s. 87. *Amended.*

Payments to president or directors.

**90**. No by-law for the payment of the president or of any director shall be valid or acted upon unless passed at a general meeting, or if passed by the directors until the same has been confirmed at a general meeting. 7 Edw. VII. c. 34, s. 88.

Directors not to vote on contracts in which they have a personal interest, etc.

**91**.—(1) No director shall at any directors' meeting vote in respect of any contract or arrangement made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise, or as a shareholder in a company which is so interested.

No liability, where interest disclosed, and refrains from voting.

(2) A director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest, and if he discloses the nature of his interest, and refrains from voting, he shall not be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement.

Proviso.

(3) This section shall not apply to any contract by or on behalf of a company to give the directors or any of them security by way of indemnity. 7 Edw. VII. c. 34, s. 89. *Amended.*

Not to purchase shares of other corporations unless authorized by by-law.

**92**.—(1) The company although authorized by the Special Act, Letters Patent or Supplementary Letters Patent, or

or by this Act, to purchase shares in any other corporation shall not do so or use any of its funds for such purpose, except as hereinbefore provided, until the directors have been expressly authorized by a by-law passed by them for the purpose, and confirmed by a vote of shareholders present or represented by proxy at a general meeting duly called for that purpose and holding not less than two-thirds of the issued capital stock represented at such meeting.

Not to apply to company dealing in shares.

(2) This section shall not apply to a company incorporated for the purpose of carrying on the business of buying, selling or dealing in shares. (*New.*)

Liability of directors declaring a dividend when company is insolvent, etc.

**93.** The directors shall not declare or pay any dividend or bonus when the company is insolvent, or any dividend or bonus, the payment of which renders the company insolvent, or diminishes the capital thereof; but if any director present when such dividend or bonus is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof, and able so to do, enters his written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from liability. 7 Edw. VII. c. 34, s. 91.

How a director may avoid such liability.

Stock dividends.

**94.** For the amount of any dividend which the directors may lawfully declare payable, in money, they may declare a stock dividend and issue therefor shares of the company as fully paid or partly paid, or may credit the amount of such dividend on the shares of the company already issued but not fully paid and the liability of the holders of such shares shall be reduced by the amount of such dividend. 7 Edw. VII. c. 34, s. 92.

No loan by company to shareholders.

**95.** No loan shall be made by the company to any shareholder, and if such a loan is made all directors and other officers of the company making the same and in any wise assenting thereto, shall be jointly and severally liable to the company for the amount thereof, and also to third parties to the extent of such loan with interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof. 7 Edw. VII. c. 34, s. 93.

Liability of directors for wages.

**96.**—(1) The directors of the company shall be jointly and severally liable to the labourers, servants, and apprentices thereof for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively.

No liability until

(2) A director shall not be able under subsection 1 unless

Company sued, etc.

(*a*) The company has been sued for the debt within one year after it has become due and execution has been returned unsatisfied in whole or in part; or

Company in liquidation, etc.

(*b*) The company has within that period gone into liquidation or has been ordered to be wound up and the claim for such debt has been duly filed and proved,

Unless sued while director, etc.

nor unless he is sued for such debt while a director or within one year after he has ceased to be a director.

Liability for amount unsatisfied on execution

(3) If execution has so issued the amount recoverable against the director shall be the amount remaining unsatisfied on the execution. 7 Edw. VII. c. 34, s. 94; 8 Edw. VII. c. 43, s. 1 (13). *Amended.*

On payment director entitled to assignment of judgment, etc.

(4) If the claim for such debt has been proved in liquidation or winding-up proceedings a director, upon payment of the debt, shall be entitled to any preference which the creditor paid would have been entitled to, and where a judgment has been recovered he shall be entitled to an assignment of the judgment.

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## PART VII.

### PROSPECTUS AND DIRECTORS' LIABILITY.

Interpretation.

**97.**—(1) In this Part,

"Company."

(*a*) "Company" shall include a company proposed to be incorporated.

"Prospectus," meaning of.

(*b*) "Prospectus" shall mean any prospectus, notice, circular, advertisement or other invitation offering for subscription or purchase any shares, debentures, debenture stock or other securities of a company, or published or issued for the purpose of being used to promote or aid in the subscription or purchase of such shares, debentures, debenture stock or securities;

Application of this part.

(2) This Part shall apply to every company whether formed before or after the commencement of this Act which offers to the public for subscription, shares, debentures, debenture stock or other securities and to every company whether

whether incorporated under the law of Ontario or otherwise, the shares, debentures, debenture stock or other securities of which are dealt in within Ontario. 7 Edw. VII. c. 34, s. 95.

When company deemed to be offering shares, etc., to the public, for subscription

(3) Where a company or any of its officers, agents or brokers or any person employed or authorized by it for that purpose, directly or indirectly invites or solicits either orally or by a prospectus, or any other means, any other person to apply or subscribe for or to buy or otherwise acquire any shares, debentures, debenture stock or other securities of the company, or where any person who has subscribed for or underwritten or to whom has been allotted the whole or the major part of any issue of the company's shares, debentures, debenture stock or other securities so invites or solicits any person to apply or subscribe for or to buy or otherwise acquire any of such last mentioned shares, debentures, or debenture stock, the company shall be deemed to offer to the public for subscription within the meaning of this Act, its shares, debentures, debenture stock or other securities.

Commissions.

**98.**—(1) Upon any offer of shares to the public for subscription, a company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such shares, if the payment of the commission and the amount or rate of the commission paid or agreed to be paid are authorized by the Letters Patent or Supplementary Letters Patent and disclosed in the prospectus, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized.

Capital not to be applied in paying commissions except as authorized.

(2) Except as provided by subsection 1, no company shall apply any of its shares or capital, either directly or indirectly, in payment of any commission, discount or allowance to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company or procuring or agreeing to procure subscriptions whether absolute or conditional, for any such shares, whether the shares or capital be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or be paid out of the nominal purchase money or contract price, or otherwise.

Brokerage may be paid.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay. 7 Edw. VII. c. 34, s. 96.

What companies must file prospectus.

**99.**—(1) Every public company before offering to the public for subscription shares, debentures, debenture stock or other securities shall issue a prospectus as hereinafter set out.

Purchases, subscriptions, etc., deemed to be induced by prospectus.

(2) All purchases, subscriptions or other acquisitions of shares, debentures, debenture stock or other securities of any company required to file a prospectus or a statement in lieu of a prospectus, shall be deemed, as against the company and the signatories to the prospectus or statement, to be induced by such prospectus or statement, any term, proviso or condition thereof to the contrary notwithstanding.

Delivery of copy of prospectus or statement before subscription.

(3) A subscription for shares, debentures or debenture stock shall not be binding on the subscriber unless at or before the subscription there is delivered to him a copy of the prospectus, if any, issued by the company, or if a prospectus has not been issued a copy of the statement mentioned in section 100. 7 Edw. VII. c. 34, s. 97. *Amended.*

Subscriber after notice must elect to withdraw.

(4) The subscriber to be entitled to the benefit of subsection 3, must elect to withdraw his subscription before or within ten days after notice of the allotment to him of the shares, debentures, or debenture stock for which he has subscribed. *New.*

Statement in lieu of prospectus.

**100.**—(1) A company which does not issue a prospectus on or with reference to its formation shall not allot any of its shares, debentures or debenture stock unless before the first allotment there has been filed with the Provincial Secretary a statement, Form 5, in lieu of a prospectus signed by every person who is named therein as a director or proposed director of the company or by his agent authorized in writing.

Not to apply to private company.

(2) This section shall not apply to a private company.

Date of prospectus.

**101.**—(1) Every prospectus issued by or on behalf of a company shall be dated, and the date shall, unless the contrary is proved, be taken as the date of issue of the prospectus.

Prospectus to be signed and filed.

(2) A copy of every such prospectus shall be signed by every person who is named therein as a director or proposed director or provisional director of the company, or by his agent authorized in writing, and shall, together with the authority in writing, verified by affidavit, be filed with the Provincial Secretary before its issue.

Not to be filed until signed, etc.

(3) The Provincial Secretary shall not receive or file any prospectus unless it is so dated and signed.

Imp. Act, 1908.

(4) No prospectus shall be issued until so filed, and every prospectus shall state on the face of it that it has been so filed. 7 Edw. VII. c. 34, s. 98.

**102.**—(1) Every prospectus issued by or on behalf of a company or by or on behalf of any person who is or has been engaged or interested in the formation or promotion of the company, shall state:— What to be disclosed in prospectus.

(*a*) The names, descriptions and addresses of the original incorporators, and the number of shares subscribed for by them respectively; Particulars as to incorporators.

(*b*) The number of shares, if any, fixed as the qualification of a director, and any provision in the by-laws of the company as to the remuneration of the directors; Qualification and remuneration of directors.

(*c*) The names, descriptions and addresses of the directors or proposed directors; Directors.

(*d*) The minimum subscription on which the directors may proceed to allotment, and the amount payable on application and on allotment on each share; and, in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment, made within the two next preceding years, and the amount actually allotted, and the amount, if any, paid on the shares so allotted; Subscription upon which allotment may proceed.

(*e*) The time or times at which under the by-laws of the company a further call or calls may be made upon shares subscribed for; Time of calls.

(*f*) The number and amount of shares, debentures and debenture stock which within the next two preceding years have been issued, or agreed to be issued, as fully or partly paid for, otherwise than in cash, and in the latter case the extent to which they are so paid for, and in either case the consideration for which those shares, debentures or debenture stock have been issued or are proposed or intended to be issued; Shares and bonds allotted for other than cash consideration.

(*g*) The names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus and the amount payable in cash, shares, debentures, debenture stock or other securities to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each Vendors of property to company.

vendor

vendor, but where the vendors or any of them are a firm the members of the firm shall not be treated as separate vendors;

Consideration for purchase.

(*h*) The amount, if any, paid or payable as purchase money in cash, shares, debentures, or debenture stock, or other securities, for any such property, specifying the amount, if any, payable for goodwill;

Commissions.

(*i*) The amount, if any, paid within the two next preceding years or payable as commission for subscribing, or agreeing to subscribe, or procuring or agreeing to procure subscriptions for any shares in the company, or for underwriting or procuring underwriting of any securities issued or to be issued by the company or the rate of any such commission;

Preliminary expenses.

(*j*) The amount or estimated amount of preliminary expenses;

Promoter's remuneration.

(*k*) The amount paid within the three next preceding years or intended to be paid in cash, shares, debentures, debenture stock or other securities, to any promoter and the consideration for any such payment;

Particulars as to material contracts.

(*l*) The dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected; but this shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than three years before the date of issue of the prospectus;

Names, etc., of auditors.

(*m*) The names and addresses of the auditors, if any, of the company;

Interest of directors in property taken by company.

(*n*) Full particulars of the nature and extent of the interest, if any, of every director in the promotion of or in the property proposed to be acquired by the company, or where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares by any person either to induce him to become, or to qualify him as a director or otherwise for services rendered by him in connection with the promotion or formation of the company.

(2)

"Vendor," what to include.

(2) For the purposes of this section the word "vendor" shall extend to and include a person who has entered into any contract, absolute or conditional, for the sale or purchase or for any option of purchase, of any property to be acquired by the company where—

(*a*) The purchase money is not fully paid at the date of issue of the prospectus; or

(*b*) The purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

(*c*) The contract depends for its validity or fulfilment on the result of such issue.

When "vendor" includes "lessor."

(3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease and the rent, and the expression "sub-purchaser" included a sub-lessee.

Requirements as to original incorporators not essential where issued more than year after first general meeting.

(4) The requirements as to the original incorporators and the qualification, remuneration, and interest of directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus issued more than one year after the date of the first general meeting.

Obligation to disclose material contracts limited.

(5) In the case of a prospectus issued more than one year after the date of such meeting, the obligation to disclose all material contracts shall be limited to a period of two years next preceding the issue of the prospectus.

When prospectus advertised in newspapers.

(6) Where the prospectus is published in a newspaper, it shall not be necessary to specify in the advertisement the names of the original incorporators and the number of shares subscribed for by them.

Application of section.

(7) This section shall not apply to a circular or notice inviting existing shareholders or debenture holders, or debenture stock holders of a company to subscribe for further shares, debentures or debenture stock; but except as hereinbefore provided, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently.

Waiver of compliance with section to be void.

(8) Any condition requiring or binding any applicant for shares or debentures or debenture stock, to waive compliance with any requirement of this section, or purporting to affect

him

him with notice of any contract, document or matter not specifically referred to in the prospectus, shall be void. 7 Edw. VII. c. 34, s. 99.

Penalty

**103.**—(1) Every provisional director, director or other person responsible for the issue of a prospectus for every violation of any of the provisions of the next preceding three sections shall incur a penalty not exceeding $200, unless

Not cognizant of matter

(*a*) As regards any matter not disclosed, he was not cognizant thereof; or

Honest mistake

(*b*) The non-compliance arose from an honest mistake of fact on his part;

Not cognizant of matters in section 102 (1) (n).

(*c*) In the case of non-compliance with the requirements of paragraph *n* of subsection 1 of section 102 it is proved that he had no knowledge of the matters not disclosed.

Liability under general law not affected.

(2) Nothing in this section or the next preceding three sections shall limit or diminish any liability which any person may incur under the general law apart from this Act. 7 Edw. VII. c. 34, s. 100; 8 Edw. VII. c. 43, s. 1 (14), (15).

Capital to be correctly stated in advertisements, etc.

**104.**—(1) Where any advertisement, letter-head, account or document issued or published by any corporation or any of its officers, agents or employees, purports to state the capital of the corporation, unless it is stated to be the authorized capital then the capital actually and in good faith subscribed and no more shall be so stated.

Penalty.

(2) Any such corporation, officer, agent or employee who causes to be inserted an advertisement or who publishes, issues or causes to be published or issued any advertisement, letter-head, account or document which states the capital, otherwise than as mentioned in subsection 1, or which contains any false statement as to the incorporation, control, supervision, management or financial standing of such corporation shall incur a penalty not exceeding $200 and not less than $50. 7 Edw. VII. c. 34, s. 101; 8 Edw. VII. c. 43, s. 1 (16). *Amended.*

Liability for statements in prospectus

**105.**—(1) Where a prospectus or notice invites subscriptions for shares in debentures, debenture stock or other securities of a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who having authorized such naming of him is named in the prospectus or notice as a director

of

of the company, or as having agreed to become a director of the company, either immediately or after an interval of time, and every promoter of the company and every person who has authorized the issue of the prospectus or notice, shall be liable to pay compensation to all persons who subscribe for any shares, debentures, debenture stock or other securities on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved that

(*a*) Having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent; or

(*b*) The prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued; or

(*c*) After the issue of such prospectus or notice and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of such withdrawal and of the reason therefor; or

(*d*) With respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe and did up to the time of the allotment of the shares or debentures, as the case may be, believe that the statement was true; or

(*e*) With respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation, but the director, person named as director, promoter, or person who authorized the issue of the prospectus, shall be liable to pay compensation as aforesaid, if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; or

(*f*) With respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document. *Imp. Act,* 8 Edw. VII. c. 69, s. 84 (1), (*a*), (*b*), (*c*).

Who to be deemed a promoter.

(2) A promoter in this section shall mean a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting solely in a professional capacity for persons engaged in procuring the formation of the company. 7 Edw. VII. c. 34, s. 102 (2).

Statements in prospectus for raising further capital.

**106**. Where a company which has issued shares, debentures, debenture stock or other securities, is desirous of obtaining further capital by subscriptions for shares, debentures, debenture stock or other securities, and for that purpose issues a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he authorized the issue of such prospectus or notice, or adopted or ratified it. 7 Edw. VII. c. 34, s. 103.

Indemnity where name of person has been improperly inserted.

**107**. Where any such prospectus or notice contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus or notice was issued, and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as director of the company, or as having agreed to become a director thereof against all damages, costs, charges and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 7 Edw. VII. c. 34, s. 104.

Contribution from co-director.

**108**. Every person who by reason of his being a director or named as a director, or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of a fraudulent misrepresentation. 7 Edw. VII. c. 34, s. 105. *Amended.*

PART

## PART VIII.

### PUBLIC COMPANIES.

Application of Part VIII.

**109.** This Part shall apply to all public companies except those which do not offer shares, debentures or debenture stock to the public for subscription.

Restrictions on allotment. Imp. Act, 1908, s. 85.

**110.**—(1) No allotment shall be made of any share capital offered to the public for subscription unless;

(*a*) The amount, if any, named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or,

(*b*) If no amount is so named, the whole amount of the share capital so offered for subscription

has been subscribed, and the sum payable on application for the amount so named, or for the whole amount offered for subscription has been paid to and received by the company.

Minimum subscription.

(2) The amount so named and the whole amount shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

Amount payable on application.

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

Repayment where conditions not complied with.

(4) If such conditions have not been complied with on the expiration of ninety days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and if any such money is not so repaid within one hundred days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest from the expiration of the ninety days, but a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

Extension of time.

(5) The Provincial Secretary may extend the times by this section limited.

Condition as to waiving compliance with section void.

(6) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

Not to apply to public companies

(7) This section, except subsection 3, shall not apply to any allotment of shares subsequent to the first allotment of shares offered by a public company. 7 Edw. VII. c. 34, s. 106.

Effect of irregular allotment. Imp. 1908, s. 86

**111.**—(1) An allotment made by a company to an applicant in contravention of the foregoing provisions of this Part shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company, and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

Director to compensate company and allottee

(2) If any director of a company knowingly contravenes or permits or authorizes the contravention of any of the foregoing provisions of this Part with respect to allotment, he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee may have sustained or incurred thereby.

Proceedings to be commenced within two years

(3) Proceedings to recover such loss, damages or costs shall not be commenced after the expiration of two years from the date of the allotment. 7 Edw. VII. c. 34, s. 107.

Restrictions on commencement of business. Imp. 1908, s. 87.

**112.**—(1) A company shall not commence any business or exercise any borrowing powers unless:

(*a*) Shares held subject to the payment of the whole amount thereof in cash have been alloted to an amount not less in the whole than the minimum subscription; and,

(*b*) Every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered by a public company; and,

(*c*) There has been filed with the Provincial Secretary a statutory declaration by the secretary or one of the directors in the prescribed form, that such conditions have been complied with and the Provincial Secretary has certified as provided by subsection 2.

Certificate that company may commence business

(2) The Provincial Secretary may, on the filing of this statutory declaration, certify that the company is entitled to commence business, and the certificate shall be conclusive evidence that the company is so entitled, but upon it being shewn that the certificate was made upon any false statement or upon the withholding of any material statement, the Provincial Secretary may cancel and annul such certificate.

Cancellation of certificate.

Contracts made before company

(3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional

only

only, and shall not be binding on the company until that date, and on that date it shall become binding. entitled to commence business.

(4) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares, debentures, or debenture stock or the receipt of any money payable on any application. Simultaneous offer of shares and debentures for subscription.

(5) If any company commences business or exercises borrowing powers in contravention of this section every person who is responsible for the contravention shall, without prejudice to any other liability, incur a penalty not exceeding $50 for every day during which the contravention continues. 7 Edw. VII. c. 34, ss. 108-110 (6). Penalty for commencing business before proper time.

(6) Where a company has commenced business without having complied with the requirements of subsection 1 of section 108 of *The Ontario Companies Act 1907* and the Lieutenant-Governor in Council is satisfied that the non-compliance was due to inadvertence, error or mistake, and that before commencing business the conditions mentioned in clauses (a) and (b) of that section had been complied with, he may authorize the company to file the statutory declaration *nunc pro tunc,* and if it is filed within one month after the date of the Order in Council it shall have the same effect as if it had been filed before the company commenced business. Innocent non-compliance with 7 Edw. VII., c. 34, s. 108.

**113**. All sums received by the company or by any promoter, director, officer or agent thereof shall be held in trust by the company or such promoter, director, officer or agent until deposited in a chartered bank to the credit of the company and shall be so deposited and there remain in trust until the issue of the certificate by the Provincial Secretary. 7 Edw. VII. c. 34, s. 109. Monies to be held in trust.

**114**.—(1) Where a company makes any allotment of its shares it shall, within two months thereafter, file with the Provincial Secretary: Return of allotments. Imp. Act, 1908, s. 88.

(*a*) A return of the allotments, stating the number and nominal amount of the shares comprised in each allotment, the names, addresses and descriptions of the allottees, and the amount, if any, paid or due and payable on each share; and

(*b*) In the case of shares allotted in whole or in part for a consideration other than cash, a contract in writing constituting the title of the allottee to such allotment, together with any contract of sale, or for services or other consideration in respect of which such allotment was made and a return stating the number and nominal amount of shares so allotted, the extent to which they are

to be treated as paid up, and the consideration for which they have been allotted.

Penalty for default

(2) If default is made in complying with the requirements of this section every director, manager, secretary or other officer of the company who is knowingly a party to the default shall incur a penalty not exceeding $50 for every day during which the default continues. 7 Edw. VII. c. 34, s. 110.

Statutory meetings

**115.**—(1) Every company shall, within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of its shareholders, which shall be called the statutory meeting.

[*As to notice of meetings, see section 42.*]

Report to be sent to shareholders

(2) The directors shall, at least ten days before the day on which the meeting is to be held, send to every shareholder a report certified by not less than two directors stating:

(*a*) The total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(*b*) The total amount of cash received by the company in respect of such shares so distinguished;

(*c*) An abstract of the receipts and payments of the company on capital account to the date of the report, and an account or estimate of the preliminary expenses of the company;

(*d*) The names, addresses and descriptions of the directors, auditors, if any, manager, if any, and secretary of the company; and

(*e*) The particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

Report to be certified by auditors.

(3) The report, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, shall be certified as correct by the auditors, if any, of the company.

Report to be filed with Provincial Secretary

(4) The directors shall cause a copy of the report so certified to be filed with the Provincial Secretary forthwith after the sending thereof to the shareholders.

(5)

(5) The directors shall cause a list showing the names, descriptions and addresses of the shareholders and the number of shares held by them, respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder during the continuance of the meeting. Lists of shareholders to be produced at meeting.

(6) The shareholders present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the report, whether previous notice has or has not been given, but no resolution of which notice has not been duly given may be passed. Shareholders may discuss business of company at meeting.

(7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting. Adjournments.

(8) If default is made in filing such report or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may apply to the Court for the winding up of the company, and the Court may either direct that the company be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be deemed just, and may order that the costs of the application be paid by any person who, in the opinion of the Court is responsible for the default. 7 Edw. VII. c. 34, s. 111. Application to Court if default made in holding meeting.

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## PART IX.

### BOOKS, INSPECTION AND AUDITORS.

**116**. The corporation shall cause the secretary, or some other officer specially charged with that duty, to keep a book or books wherein shall be kept recorded:— Record books to be kept and what to contain.

(*a*) A copy of the Letters Patent and of any Supplementary Letters Patent issued to the corporation and if incorporated by Special Act, a copy of such Act, and the by-laws of the corporation duly authenticated;

(*b*) The names, alphabetically arranged, of all persons who are or who have been shareholders or members of the corporation;

(*c*)

(*c*) The post office address and calling of every such person while such shareholder or member;

(*d*) The names, post office addresses and callings of all persons who are or have been directors of the corporation, with the date at which each person became or ceased to be such director.

And in the cases of companies having share capital—

(*e*) The number of shares held by each shareholder;

(*f*) The amounts paid in, and remaining unpaid, respectively, on the shares of each shareholder;

(*g*) The date and other particulars of all transfers of shares in their order. 7 Edw. VII. c. 34, s. 113.

Books to be kept at head office.

**117**.—(1) The books mentioned in the next preceding section and in section 122, shall be kept at the head office of the corporation within Ontario, whether the company is permitted to hold its meetings out of Ontario or not.

Penalty for removal.

(2) Any director, officer or employee of a corporation who removes or assists in removing such books from Ontario or who otherwise contravenes the provisions of this section shall incur a penalty of $200.

Proviso

(3) Upon necessity therefor being shown and adequate assurance given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Provincial Secretary, the Lieutenant-Governor in Council may relieve any corporation permitted to hold its meetings out of Ontario from the provisions of this section upon such terms as he may see fit. 7 Edw. VII. c. 34, s. 114.

Untrue entries

**118**.—(1) No director, officer or employee of the corporation shall knowingly make or assist in making any untrue entry in any of its books, or refuse or neglect to make any proper entry therein.

Penalty

(2) Any person wilfully violating the provisions of this section shall be liable in damages for all loss or injury which any person interested may have sustained thereby. 7 Edw. VII. c. 34, s. 115.

Powers of Judge as to entries in, omissions from and rectification of books.

**119**.—(1) If the name of any person is without sufficient cause, entered in or omitted from any such book, or if default is made or unnecessary delay takes place in entering therein the fact of any person having ceased to be a shareholder or

member

member of the corporation, the person or shareholder or member aggrieved, or any shareholder or member of the corporation, or the corporation itself, may apply to the High Court, for an order that the book or books be rectified, and the Court may either refuse such application or may make an order for the rectification of the book, and may direct the corporation to pay any damages the party aggrieved may have sustained.

Decision as to title.

(2) The Court may, in any proceeding under this section, decide any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from such books, whether such question arises between two or more shareholders, or alleged shareholders, or members, or between any shareholder or alleged shareholder or member and the corporation, and the Court may in any such proceeding decide any question which it may be necessary or expedient to decide for the rectification of the books.

Directing issue to be tried.

(3) The Court may direct an issue to be tried.

Appeal.

(4) An appeal shall lie from the decision of the Court as if the same had been given in an action.

Jurisdiction of Courts not affected.

(5) This section shall not deprive any Court of any jurisdiction it may otherwise have.

Costs.

(6) The costs of any proceeding under this section shall be in the discretion of the Court. 7 Edw. VII. c. 34, s. 116.

Books to be open for inspection.

**120.**—(1) The books mentioned in section 116 shall, during reasonable business hours of every day, except holidays, be kept open for the inspection of shareholders, members and creditors of the corporation and their personal representatives or agents, at the head office or chief place of carrying on its undertaking, and every such shareholder, member, creditor, agent or representative, may make extracts therefrom. 7 Edw. VII. c. 34, s. 117.

Liability for refusal to allow inspection of books.

(2) Any director or officer who refuses to permit any person entitled thereto to inspect such books, or make extracts therefrom, shall incur a penalty not exceeding $100. 7 Edw. VII. c. 34, s. 118.

Books to be *prima facie* evidence.

**121.** Such books shall be *prima facie* evidence of all facts purporting to be therein stated in any action or proceeding against the corporation or against any shareholder or member. 7 Edw. VII. c. 34, s. 119.

Books of account to be kept.

**122.** The directors shall cause proper books of account to be kept containing full and true statements of:—

(*a*) The financial transactions of the corporation;

(*b*) The assets of the corporation;

(*c*) The sums of money received and expended by the corporation, and the matters in respect of which such receipt or expenditure took place;

(*d*) The credits and liabilities of the corporation; and

(*e*) A book or books containing minutes of all the proceedings and votes of the corporation, or of the board of directors, respectively, verified by the signature of the president, or other presiding officer of the corporation. 7 Edw. VII. c. 34, s. 120.

False returns, etc.

**123**. If any person in any return, report, certificate, balance-sheet or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular he shall be liable to imprisonment for a term not exceeding three months, and shall incur a penalty not exceeding $100 in lieu of or in addition to such imprisonment. 7 Edw. VII. c. 34, s. 121.

Penalty.

The Court may appoint an inspector to make investigation.

**124**.—(1) Upon an application by not less than one-fifth in value of the shareholders of a corporation with share capital, or one-fifth in number of the members of a corporation without share capital, the High Court may appoint an inspector to investigate its affairs and management.

Report on and expense of investigation.

(2) Such inspector shall report thereon to the Court, and the expense of such investigation shall, in the discretion of the Court, be defrayed by the corporation or by the applicants, or partly by the corporation and partly by the applicants.

Security for costs.

(3) The Court may require the applicants to give security to cover the probable cost of the investigation, and may make rules and prescribe the manner in which and the extent to which the investigation shall be conducted.

Examination by company.

(4) A corporation may, by resolution passed at the annual meeting, or at a special general meeting called for that purpose, appoint an inspector to examine into the affairs of the corporation.

(5) The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by the High Court, and he shall make his report in such manner and to such persons as the corporation by resolution directs. Powers and duties of inspector.

(6) All officers and agents of the corporation shall produce for the examination of any inspector appointed under this section all books and documents in their custody or power. Production of books and documents.

(7) Any such inspector may examine upon oath the officers, agents and employees of the corporation in relation to its business. Examination on oath.

(8) If any officer or agent refuses to produce any such book or document, or if any person so examined refuses to answer any question relating to the affairs of the corporation, he shall incur a penalty not exceeding $20 for each offence. 7 Edw. VII. c. 34, s. 122. Penalty for non-production.

**125**. The accounts of a corporation shall be examined once at least in every year, and the correctness of the balance-sheet shall be ascertained by an auditor or auditors. 7 Edw. VII. c. 34, s. 123. Accounts shall be audited.

**126**. The first auditors of a corporation may be appointed by the directors before the first meeting of the shareholders or members, and shall hold office until the first general meeting. 7 Edw. VII. c. 34, s. 124. First auditors.

**127**. Thereafter the auditors shall be appointed by resolution at a general meeting of the corporation and shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders or members in general meeting. 7 Edw. VII. c. 34, s. 125. Appointment of auditors.

**128**. The auditors may be shareholders or members of the corporation, but no person shall be eligible as an auditor who is interested, otherwise than as a shareholder or member, in any transaction of the corporation; and no director or other officer of the corporation shall be eligible during his continuance in office. 7 Edw. VII. c. 34, s. 126. Auditors may be shareholders.

**129**. If an appointment of auditors is not made at an annual meeting, the Provincial Secretary, on the application of any shareholder or member of the corporation, may appoint an auditor for the current year and fix the remuneration, if any, to be paid to him by the corporation for his services. 7 Edw. VII. c. 34, s. 127. Provincial Secretary may appoint.

**130**. The directors of a corporation may fill any casual vacancy in the office of auditor, but while any such vacancy Directors may fill vacancies.

continues

continues the surviving or continuing auditor or auditors, if any, may act, and any auditor shall be eligible for reappointment. 7 Edw. VII. c. 34, s. 128.

Remuneration of auditors

**131**. The remuneration of the auditors shall be fixed by the corporation in general meeting, except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. 7 Edw. VII. c. 34, s. 129.

Return may be required upon any subject

**132**. The Provincial Secretary may, whenever he sees fit, require a corporation to make a return upon any subject connected with its affairs, and the corporation shall make the return within the time mentioned in the notice requiring the same. 9 Edw. VII. c. 66, s. 1.

Rights and duties of auditors.

**133**.—(1) Every auditor shall have the right of access at all times to the books, accounts and vouchers of the corporation, and may require from the directors and officers of the corporation such information and explanation as may be necessary for the performance of his duties.

Certificate and report.

(2) The auditors shall sign a certificate at the foot of the balance-sheet stating whether or not their requirements as auditors have been complied with, and shall make a report to the shareholders or members on the accounts examined by them, and on every balance-sheet laid before the corporation in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance-sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the corporation's affairs as shown by its books; and such report shall be read at the general meeting. 7 Edw. VII. c. 34, s. 130.

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## PART X.

### RETURNS AND FEES.

Annual summary of the affairs of the company.

**134**.—(1) Every corporation shall, on or before the first day of February in every year, make out a summary, verified as hereinafter required, containing as of the thirty-first day of December next preceding, correctly stated, the following particulars:—

Contents of summary.

(*a*) The corporate name of the corporation;

(*b*) The manner in which the corporation is incorporated, whether by special Act, or by Letters Patent, and the date thereof;

(*c*)

(*c*) The names, residences and post office addresses of the president, secretary, and treasurer of the corporation;

(*d*) The name, residence and post office address of each of the directors of the corporation;

(*e*) The date upon which the last annual meeting of the corporation was held;

In the case of a company in addition—

(*f*) The place of the head office, giving street and number when possible;

(*g*) The amount of the capital of the company and the number of shares into which it is divided;

(*h*) The number of shares subscribed for and allotted;

(*i*) The number of shares, if any, issued as fully paid up shares as consideration for any transfer of assets, good will or otherwise; if none are so issued, this fact to be stated;

(*j*) The amount of calls made on each share;

(*k*) The total amount of calls received;

(*l*) The total amount of shares forfeited;

(*m*) The total amount of shares issued as preference shares and the rate of dividend thereon;

(*n*) The total amount paid on such shares;

(*o*) The total amount of debentures, debenture stock or bonds authorized, and the rate of interest thereon;

(*p*) The total amount of debentures, debenture stock or bonds issued;

(*q*) The total amount realized from debentures, debenture stock, and bonds;

(*r*) The total number and amount of share warrants issued, and the names, residences and post office addresses of the persons to whom the same were issued;

If the company is a mining company, to which Part XI. is made applicable—

(*s*) The number of shares sold or otherwise disposed of at a discount or premium;

(*t*) The rate at which such shares were sold or disposed of;

(*u*) Whether a sworn copy of the by-laws, if any, providing for the sale of shares at a discount or otherwise, was sent to the Provincial Secretary;

(*x*) The date, or dates upon which such by-laws, if any, were passed and confirmed.

List of shareholders.

(2) In the case of a company, the summary shall also contain a list, alphabetically arranged, of the persons who, on the 31st day of December next preceding, were shareholders of the company, and the residence and post office address of each such person; the number of shares held by each; and the amount, if any, unpaid thereon.

Posting of summary.

(3) A duplicate of such summary with the affidavit of verification, shall be posted up in a conspicuous position in the head office of the company on or before the 2nd day of February in each year, and may be inspected by any shareholder or creditor of the company; and the company shall keep the same so posted until another summary is posted up under the provisions of this Act.

Verification thereof.

(4) The summary of every corporation shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time out of Ontario or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason therefor shall be stated in the substituted affidavit.

Transmission to Provincial Secretary.

(5) The summary so verified shall, on or before the 8th day of February next after the time hereinbefore prescribed for making the summary, be transmitted to the Provincial Secretary.

Penalty for default.

(6) If a corporation makes default in complying with the provisions of this section, the corporation shall incur a penalty of $20 for every day during which the default continues, and every director, manager or secretary of the corporation, who wilfully

wilfully authorizes or permits such default, shall incur the like penalty, but such penalties shall be recoverable only by action at the suit of the Crown, or of a private person suing on his own behalf with the written consent of the Attorney-General.

When section not to apply.

(7) A corporation shall not be required to comply with the provisions of this section in the calendar year in which it was organized or went into actual operation, whichever first happened.

Corporations incorporated before 1st July, 1907, etc.

(8) Corporations incorporated before the 1st day of July, 1907, under any Act repealed by *The Ontario Companies Act* (1907), except chapter 191 of the Revised Statutes of Ontario, 1897, and Acts consolidated therewith for which that Act was substituted, shall make such returns under this section as are required from corporations without share capital. 7 Edw. VII. c. 34, s. 131; 8 Edw. VII. c. 43, s. 1, (18).

Return to Provincial Secretary of change of directors, etc.

**135**. Every company shall make a return to the Provincial Secretary from time to time, as the same occur, of all changes among the directors, and shall incur a penalty, not exceeding $20 for every contravention of this section. (*New.*)

Fees on letters patent, etc., to be fixed by Order-in-Council.

**136**.—(1) The Lieutenant-Governor in Council may establish, alter and regulate the tariff of fees to be paid on applications, returns, filings and all transactions under this Act; and may prescribe the form of proceedings and record in respect thereof, and all other matters which he may deem requisite for carrying out the objects of this Act.

Fees may vary in amount.

(2) Such fees may be made to vary in amount, having regard to the nature of the corporation, amount of capital and otherwise, as may be deemed expedient.

Restriction.

(3) No step shall be taken towards the issue of any Letters Patent or Supplementary Letters Patent or the filing of any document under this Act, until all fees therefor and all fees due for any other service have been duly paid. 7 Edw. VII. c. 34, s. 132.

No compliance with Act to file returns, etc., without payment of fees.

**137**. No tender or transmission of any return, by-law or other document shall be a due compliance with the provisions of this Act unless and until the prescribed fee for receiving and filing the same has been paid to and has been accepted by the Provincial Secretary. 7 Edw. VII. c. 34, s. 133.

Evidence of by-laws.

**138**. A copy of any by-law of a corporation under its seal and purporting to be signed by any officer of the cor-

poration

poration or a certificate, similarly authenticated, to the effect that a person is a shareholder or member of the corporation, and that dues or other sums payable are due and have not been paid or that a call or assessment has been made, is due and has not been paid, shall be received as *prima facie* evidence of the by-law or of the statements contained in such certificate in all Courts. 7 Edw. VII. c. 34, s. 134.

Authentication of summons and notices.

**139**. A document or proceeding requiring authentication by a corporation may be signed by any director, manager or other authorized officer of the corporation, and need not be under its seal. 7 Edw. VII. c. 34, s. 135.

Service of notices.

**140**. A notice or demand to be served or made by a corporation upon a shareholder or member may be served or made either personally or by registered post, addressed to the shareholder or member at his place of abode as it last appeared on the books of the corporation. 7 Edw. VII. c. 34, s. 136.

Time of service.

**141**. A notice or other document served by post by a corporation on a shareholder or member shall be deemed to be served at the time when it would be delivered in the ordinary course of post. 7 Edw. VII. c. 34, s. 137.

By-laws may be sanctioned by written consent of shareholders

**142**. Any by-law by this Act requiring confirmation by the shareholders or members of the corporation may in lieu of confirmation at a general meeting be confirmed by the consent in writing of all the shareholders or members. 7 Edw. VII. c. 34, s. 138.

Proof of matters under this Act.

**143**. Proof of any matter which may be necessary to be made under this Act may be made by statutory declaration, affidavit, or deposition before the Provincial Secretary, or any officer to whom the matter may be referred by him, or before any person authorized to take affidavits. 7 Edw. VII. c. 34, s. 15.

## PART XI.

### MINING COMPANIES.

Issuing shares at a discount.

**144**. A mining company incorporated before the first day of July, 1907, or thereafter incorporated under *The Ontario Companies Act* (1907), or under this Act, and made by the Letters Patent subject to the provisions of this Part, may issue its shares at a discount or at any other rate in the manner hereinafter prescribed. 7 Edw. VII. c. 34, s. 139.

Shareholders not personally liable for calls.

**145**. No shareholder of such a company holding shares, issued as herein provided, shall be personally liable for non-payment of any calls made upon his shares beyond the amount agreed to be paid therefor. 7 Edw. VII. c. 34, s. 140.

**146**.

By-law authorizing issue of shares at a discount.

**146**. No shares shall be issued at a discount unless authorized by a by-law of the company fixing and declaring the rate and any other terms and conditions of the issue, confirmed at a general meeting of the shareholders duly called for considering the same. 7 Edw. VII. c. 34, s. 141; 1 Geo. V. c. 17, s. 9, *part*.

By-law must be verified.

**147**. A copy of such by-law, within twenty-four hours after the same has been confirmed, shall be transmitted by registered post to the Provincial Secretary, or be filed in his office within five days, and such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time unable to make the same, by the affidavit of the president or secretary and one of the directors, or of two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason therefor shall be stated in the substituted affidavit. 7 Edw. VII. c. 34, s. 142.

"No personal liability" to appear on documents issued by company.

**148**. Every such company shall have written or printed, immediately after or under its name, wherever such name is used by the company or by any director, officer, servant or employee thereof, and shall have engraved upon its seal the words "No Personal Liability"; and upon every share certificate issued by the company, distinctly written or printed in red ink, where such share certificates are issued in respect of shares subject to call, the words "Subject to Call"; or, if in respect to shares not subject to call, the words "Not Subject to Call," according to the fact. 7 Edw. VII. c. 34, s. 143.

Certificates of shares, what to contain.

Sale of shares on non-payment of calls.

**149**.—(1) In the event of any call on shares of such a company remaining unpaid by the holder thereof for a period of sixty days after notice and demand of payment, such shares may be declared to be in default, and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in a newspaper published at the place where the principal office of the company is situate, or if no newspaper is published there, then in a newspaper published at the nearest place to such office, once a week for four successive weeks.

Notice, contents of.

(2) The notice shall contain the numbers of the share certificates in respect of such shares and the number of shares, the amount of the call or calls due and unpaid and the time and place of sale.

Service and publication

(3) In addition to the publication of the notice it shall be personally served upon such shareholder or sent to him by registered post addressed to him at his last known place of abode.

Sale in default of payment.

(4) If the holder of such shares fails to pay the amount due thereon, with interest and the cost of advertising, before the time fixed for such sale, the secretary shall proceed to sell the same, or such portion thereof as shall suffice to pay such calls together with interest and the cost of advertising and of the sale.

Surplus of proceeds.

(5) If the price of the shares so sold exceeds the amount due with interest and costs, the excess shall be paid to the defaulting shareholder on demand. 7 Edw. VII. c. 34, s. 144.

Penalty.

**150.**—(1) A company which acts in contravention of any provision of this Part, and every director, manager or officer thereof shall incur a penalty of $200. 7 Edw. VII. c. 34, s. 145.

Relief from penalty.

(2) A director, manager or officer who proves that he was not a party or privy to the act, and that when he became aware of it he forthwith gave notice thereof to the Provincial Secretary, shall not be liable to the penalty imposed by this section. (*New.*)

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## PART XII.

### COMPANIES OPERATING MUNICIPAL FRANCHISES AND PUBLIC UTILITIES.

Application of this Part of Act.

**151.** This Part shall apply to all applications for incorporation of companies intended to operate or control any public or municipal franchise, undertaking or utility and which may require for its purposes the erection of any permanent structure in or upon any highway, stream or adjoining navigable waters, and to such companies when incorporated. 7 Edw. VII. c. 34, s. 154; 1 Geo. V. c. 17, s. 19, *part.*

Material to be produced on application.

**152.** With the application for incorporation the applicants shall produce to the Provincial Secretary:

Sufficiency of capital.

(*a*) Evidence that the proposed capital is sufficient to carry out the objects for which the company is to be incorporated; that such capital has been subscribed or underwritten, and that the applicants are likely to command public trust and confidence in the undertaking;

Description of plant, etc.

(*b*) A detailed description of the plant, works and intended operations of the company, and an estimate of their cost;

(*c*)

(*c*) A by-law of every municipality in which the operations of the company are to be carried on, authorizing the execution thereof in the manner set out in such detailed description, where the consent of the council of the municipality is required by law to authorize the company to carry on its operations therein; Municipal by-law, authorizing.

(*d*) If the undertaking is to be carried on, or in so far as it is to be carried on, in territory without municipal organization, a report from the Minister of Lands, Forests and Mines approving of the undertaking; In unorganized territory, report of Minister of Lands, etc.

(*e*) If it is proposed that the company shall acquire any plant, works, land, undertaking, good will, contract or other property or assets, a detailed statement of the nature and value thereof. 7 Edw. VII. c. 34, s. 155. Statement of plant, etc., to be acquired.

(*f*) Such further information as the Provincial Secretary may require. *New.* Further information.

**153**. The Provincial Secretary may refer the application and all statements, evidence and material filed thereon to engineers, architects, valuators or other experts for consideration, investigation and report regarding the public necessity for the undertaking, the amount of capital required therefor, the value of any plant, works, lands, undertaking, good-will, contract or other property or assets to be acquired and any other matter which may appear to be in the public interest regarding the undertaking. 7 Edw. VII. c. 34, s. 156. Referring application to engineers, etc., for report

**154**. All Letters Patent and Supplementary Letters Patent of companies to which the provisions of this Part apply and of all companies heretofore incorporated for any of the purposes mentioned in section 151, shall be issued on the authority of the Lieutenant-Governor in Council, and such Letters Patent or Supplementary Letters Patent may be issued in terms and on conditions different from those applied for. 7 Edw. VII. c. 34, s. 157. Letters Patent to be issued on Order-in-Council.

**155**. Notices of the application shall be published in such manner and shall be given to such persons as the Provincial Secretary may determine. 7 Edw. VII. c. 34, s. 158. Notice of application.

**156**. The Letters Patent or Supplementary Letters Patent, may limit the term of the existence of the company, the rate of dividend payable on the shares of the capital stock, the amount which the company may borrow on debentures, Limitations in charter.

debenture

debenture stock, mortgages or other securities and the rate of interest thereon. 7 Edw. VII. c. 34, ss. 159, 160. *Amended.*

Proofs, etc., to be produced on application for Supplementary Letters Patent

**157**. Upon an application for Supplementary Letters Patent extending the powers, increasing the capital or otherwise varying any term of the Letters Patent the company shall produce such evidence and statements as are referred to in section 152, and he may refer the same in the manner and for the purposes set out in section 153. 7 Edw. VII. c. 34, s. 161.

Supplementary Letters Patent, what may be contained in.

**158**. The Supplementary Letters Patent may fix the conditions upon which any shares, debentures, debenture stock or other securities of the company, therein authorized to be issued, may be allotted, sold or otherwise disposed of, and may be issued in terms and on conditions different from those applied for, and may vary any term or condition of the application. 7 Edw. VII. c. 34, s. 162.

Rights of municipality preserved.

**159**. No provision contained in this Part or in the Letters Patent or Supplementary Letters Patent, regarding the issue of debentures or other securities or the making of mortgages to secure the same shall in any way prejudice the right which any municipality may have to acquire or take possession of the plant and undertaking of the company. 7 Edw. VII. c. 34, s. 163.

Company may pass by-laws for control, etc., of undertaking.

**160**. The company may pass by-laws regarding the control and management of its undertaking, its dealings with the public, the collection of tolls, charges, rates or levies for the public service given by the company, and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use; but no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor in Council and published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be, and in the *Ontario Gazette*. 7 Edw. VII. c. 34, s. 164.

Penalty.

(2) Every person who contravenes any of the provisions of any such by-law shall incur a penalty not exceeding $20.

Additional returns.

**161**. In addition to the other returns which are required by this or any other Act, the company shall on or before the 8th day of February in each year make a report to the Provincial Secretary, verified as provided by subsection 4 of section 134, which shall specify

(*a*)

(*a*) The cost of the work, plant and undertaking of the company; What the report is to contain.

(*b*) The amount of its capital, and the amount paid thereon; Amount of capital.

(*c*) The amount received during the year from tolls, levies, rates and charges and all other sources, stating each separately; Tolls, amount received from.

(*d*) The amount and rate of dividends paid; Dividends paid.

(*e*) The amount expended for repairs; and Description of any extension, etc.

(*f*) A detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the current year, together with an estimate of the cost thereof. 7 Edw. VII. c. 34, s. 165.

**162**. The Provincial Secretary may appoint a person to inspect and examine the books of account of the company, and every person so appointed may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the person so appointed deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable him to ascertain the correctness of statements furnished by the company. 7 Edw. VII. c. 34, s. 167. Inspection of books.

**163**. The Lieutenant-Governor in Council may, by Supplementary Letters Patent, extend the term of existence of any company incorporated for a limited period under this or heretofore incorporated under any other general Act for such further period as by Order-in-Council, made previous to the expiry of such period he may direct, and the provisions of this Act, relating to the expiration of the term of existence of a company shall thereupon apply to such term as so extended. 7 Edw. VII. c. 34, s. 168. Existence of company may be extended by supplementary letters patent.

EXPROPRIATION.

**164**.—(1) A company to which this section is made applicable by the Letters Patent or Supplementary Letters Patent, may take, without the consent of the owner thereof, Expropriation.

lands and easements therein which may be necessary for the purposes of its undertaking, in like manner, as under the provisions of *The Ontario Railway Act*, lands may be expropriated for the purpose of a railway; but any such right of expropriation may be limited or the application of any section of that Act may be excluded. 7 Edw. VII. c. 34, s. 169.

6 Edw. VII., c. 30.

Company heretofore incorporated.

(2) This section shall apply to a company heretofore incorporated under any general or special Act. 7 Edw. VII. c. 34, s. 170.

## PART XIII.

### WINDING UP COMPANIES.

Nature of liability of contributory.

**165**. The liability of any person to contribute to the assets of a corporation under this Act, in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability. 7 Edw. VII. c. 34, s. 172.

Case of death of contributory.

**166**. If a contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representative, heirs and devisees shall be liable in due course of administration to contribute to the assets of the corporation in discharge of the liability of such deceased contributory, and shall be deemed to be contributories accordingly. 7 Edw. VII. c. 34, s. 171.

Voluntary winding up.

**167**. A corporation may be wound up voluntarily under this Act:

(*a*) Where the period, if any, fixed for the duration of the corporation by the Act, Letters Patent or instrument of incorporation, or by Supplementary Letters Patent, has expired; or where the event, if any, has occurred, upon the occurrence of which it is provided by the Act or Letters Patent or instrument of incorporation or by Supplementary Letters Patent that the corporation is to be dissolved, and the corporation in general meeting has passed a resolution requiring the corporation to be wound up;

(*b*) Where the corporation, in general meeting called for that purpose, has passed a resolution requiring the corporation to be wound up;

(*c*)

(*c*) Where the corporation, though it may be solvent as respects creditors, has passed a resolution in general meeting to the effect that it has been proved to its satisfaction that the corporation cannot, by reason of its liabilities, continue its business, and that it is advisable to wind it up. 7 Edw. VII. c. 34, s. 173.

Commencement of winding up.

**168.** A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up. 7 Edw. VII. c. 34, s. 174.

Corporation to cease business.

**169.** Whenever a corporation is wound up voluntarily the corporation shall, from the date of the commencement of such winding up, cease to carry on its undertaking, except in so far as may be required for the beneficial winding up thereof; and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alterations in the status of the shareholders or members of the corporation, taking place after the commencement of such winding up, shall be void; but its corporate state and all its corporate powers, notwithstanding that it is otherwise provided by its constating instrument or by-laws, shall continue until the affairs of the corporation are wound up. 7 Edw. VII. c. 34, s. 175.

Notice of resolution to be given.

**170.** Notice of any resolution passed for winding up a corporation voluntarily shall be given by advertisement in the *Ontario Gazette,* and shall be filed in the office of the Provincial Secretary. 7 Edw. VII. c. 34, s. 176.

No suit or action against corporation after winding up.

**171.**—(1) After the commencement of the winding up, no action or other proceeding shall be proceeded with or commenced against the corporation, and no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation, except by leave of the Court and subject to such terms as the Court may impose.

R.S.C. 1906, c. 144.

(2) This section shall not apply to any proceeding taken under *The Winding-up Act of Canada,* or other Act respecting Insolvency or Bankruptcy for the time being in force. 7 Edw. VII. c. 34, s. 177.

Consequences of winding up.

**172.** Upon a voluntary winding up:

(*a*) The property of the corporation shall be applied in satisfaction of all its liabilities *pari passu*, and, subject thereto, shall, unless it is otherwise provided by the by-laws of the corporation, be distributed rateably amongst the shareholders or members according to their rights and interests in the corporation;

(*b*)

Privilege of claims of clerks and employees allowed to a certain extent.

(*b*) In distributing the assets of the corporation, the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date of the commencement of the winding up or within one month before, not exceeding three months' salary or wages, shall be paid in priority to the claims of the ordinary general creditors, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims;

Appointment of liquidator and remuneration.

(*c*) The corporation in general meeting shall appoint such person or persons as it thinks fit to be a liquidator or liquidators for the purpose of winding up the affairs of the corporation and distributing its property, and shall fix the remuneration to be paid to him or them;

Provisions applicable to.

(*d*) If one person only is appointed, all the provisions in reference to several liquidators shall apply to him;

Power of directors to cease.

(*e*) Upon the appointment of liquidators all the powers of the directors shall cease except in so far as the corporation in general meeting or the liquidators may sanction the continuance of such powers;

Powers to be exercised by liquidators.

(*f*) Where several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or in default of such determination by any number not less than two;

Settle list of contributories.

(*g*) The liquidators shall settle the list of contributories, and any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories;

Demand payment from contributories.

(*h*) The liquidators may at any time after the passing of the resolution for winding up and before they have ascertained the sufficiency of the assets of the corporation, call on all or any of the contributories, for the time being settled on the list of contributories, to the extent of their liability to pay any sum which they may deem necessary to satisfy the debts and liabilities of the corporation, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and the liquidators may, in making a call, take into consideration the probability that some of the con-

tributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same;

(*i*) The liquidators shall pay the debts of the corporation and adjust the rights of the contributories, shareholders or members amongst themselves. 7 Edw. VII. c. 34, s. 178. Liquidators to pay debts of corporation.

**173.** All costs, charges and expenses properly incurred in the winding up, including the remuneration of the liquidators, after taxation by one of the Taxing Officers of the Supreme Court at Toronto, who is hereby empowered to tax the same, shall be payable out of the assets of the corporation in priority to all other claims. 7 Edw. VII. c. 34, s. 179. Payment of costs and expenses.

**174.**—(1) The liquidators shall have power to: Power of liquidators.

(a) Bring or defend any action, suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the corporation; Bring or defend actions.

(*b*) Carry on the business of the corporation so far as may be necessary for the beneficial winding up of the same; Carry on business of corporation.

(*c*) Sell *en bloc* or in parcels, the real and personal property, effects and things in action of the company by public auction or private contract; Sell by public auction or private contract.

(*d*) Do all acts and execute, in the name and on behalf of the corporation, all deeds, receipts and other documents, and for that purpose use the seal of the corporation; Execute deeds, etc.

(*e*) Draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the corporation; Draw and endorse promissory notes, etc.

(*f*) Raise upon the security of the assets of the corporation from time to time, any requisite sum or sums of money; Raise sums necessary.

(*g*) Take out in their official name, letters of administration to the estate of any deceased contributory and do in their official name any other act that may be necessary for obtaining payment of any money due from a contributory or from his estate and which act cannot be conveniently done in the name of the corporation; Take out letters of administration, etc.

(*h*)

Do all other things necessary

(*h*) Do and execute all such other things as may be necessary for winding up the affairs of the corporation and distributing its assets.

Bills of exchange, etc., to be deemed drawn in due course

(2) The drawing, accepting, making or endorsing of a bill of exchange or promissory note on behalf of the corporation shall have the same effect with respect to the liability of the corporation as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such corporation in the course of carrying on the business thereof.

When moneys deemed to be due liquidators

(3) Where the liquidators take out letters of administration or otherwise use their official name for obtaining payment of any money due from a contributory, such money shall be deemed, for the purpose of enabling them to take out such letters or recover such money, to be due to the official liquidators themselves. 7 Edw. VII. c. 34, s. 180. *Amended.*

Inspectors.

**175**. A corporation about to be wound up voluntarily, or in the course of being so wound up, may, in general meeting, by resolution, delegate to any committee of its shareholders or members, contributories or creditors, hereinafter referred to as inspectors, the power of appointing liquidators and filling any vacancies in the office of liquidators, or may by a like resolution enter into any arrangement with its creditors with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised. 7 Edw. VII. c. 34, s. 181.

Deposit in bank by liquidators

**176**.—(1) The liquidators shall deposit at interest in some chartered bank at a branch or agency in Ontario, all sums of money which they may have in their hands, belonging to the corporation, whenever such sums amount to $100. 7 Edw. VII. c. 34, s. 182. *Part.*

Approval of bank by Inspectors, if any.

(2) If inspectors have been appointed the bank shall be one approved by them. *New.*

Separate deposit account to be kept; withdrawal from account

(3) Such deposit shall not be made in the name of the liquidators generally, but a separate deposit account shall be kept of the money belonging to the corporation, in the name of the liquidators as such, and of the inspectors, if any; and such money shall be withdrawn only on the joint cheque of the liquidators and one of the inspectors, if there be any.

Liquidators to produce bank pass book at meetings, etc.

(4) At every meeting of the shareholders or members of the corporation the liquidators shall produce a pass-book, shewing the amount of the deposits, the dates at which they were made, the amounts withdrawn and dates of withdrawal; of which production mention shall be made in the minutes

of

of the meeting, and the absence of such mention shall be *prima facie* evidence that the pass-book was not produced at the meeting.

Liquidator to produce bank pass book when ordered.

(5) The liquidators shall also produce the pass-book whenever so ordered by the Court upon the application of the inspectors or of a shareholder or member of the corporation. 7 Edw. VII. c. 34, s. 182. *Part.*

Meetings of corporation during winding up.

**177.**—(1) The liquidators may from time to time, during the continuance of the winding up, summon general meetings of the corporation for the purpose of obtaining the sanction of the corporation by resolution, or for any other purpose they think fit.

Where winding up continues more than one year.

(2) In the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the corporation at the end of the first year and of each succeeding year from the commencement of the winding up, and shall lay before such meeting an account shewing their acts and dealings, and the manner in which the winding up has been conducted during the preceding year. 7 Edw. VII. c. 34, s. 183.

Vacancy in office of liquidator.

**178.** If any vacancy occurs in the office of liquidators appointed by the corporation, by death, resignation or otherwise, the corporation in general meeting may, subject to any arrangement it may have entered into with its creditors, upon the appointment of inspectors, fill such vacancy, and a general meeting for that purpose may be convened by the continuing liquidators, if any, or by any contributory, and shall be deemed to have been duly held in the manner prescribed by the by-laws of the corporation, or, in default thereof, in the manner prescribed by this Act for calling general meetings of the shareholders or members of the corporation. 7 Edw. VII. c. 34, s. 184. (*See* 1 Geo. V. c. 26.)

Distribution of assets. 1 Geo. V., c. 26.

**179.** The provisions of section 55 of *The Trustee Act* shall apply *mutatis mutandis* to liquidators. 7 Edw. VII. c. 34, s. 185.

Arrangements may be authorized with creditors.

**180.** The liquidators, with the sanction of a resolution of the corporation in general meeting or of the inspectors, may make such compromise or other arrangement as the liquidators deem expedient, with any creditor, or person claiming to be a creditor, or having or alleging that he has any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the corporation or whereby the corporation may be rendered liable. 7 Edw. VII. c. 34, s. 186.

**181.**

Power to compromise with debtors and contributories.

**181**. The liquidators may, with the like sanction, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the corporation and any contributory, alleged contributory or other debtor or person apprehending liability to the corporation and all questions in any way relating to or affecting the assets of the corporation, or the winding up of the corporation, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon; and the liquidators may take any security for the discharge of such calls, debts or liabilities, and give a complete discharge in respect thereof. 7 Edw. VII. c. 34, s. 187.

Take security.

Power to accept shares, etc., as a consideration for sale of property to another company.

**182**.—(1) Where a corporation is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another corporation, the liquidators of the first mentioned corporation, with the sanction of a resolution in general meeting of the corporation by which they were appointed conferring either a general authority on the liquidators, or an authority in respect of any particular arrangement, may receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other corporation, for the purpose of distribution among the shareholders or members of the corporation which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing corporation.

Sale or arrangement by liquidators binding unless a member objects.

(2) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the shareholders or members of the corporation which is being wound up, subject to the proviso that if any shareholder or member who has not voted in favour of the resolution, expresses his dissent from any such resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the corporation or the place where its undertaking is carried on, not later than seven days after the date of the meeting at which such resolution was passed, such dissentient member may require the liquidators to do such one of the following things as the liquidators may prefer, that is to say, either (*a*) to abstain from carrying such resolution into effect, or (*b*) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the corporation is dissolved, and to be raised by the liquidators in such manner as may be determined by resolution of the corporation.

Proceedings on objection.

(3)

(3) No resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with a resolution for winding up the corporation or for appointing liquidators. Special resolution not invalid because prior to resolution to wind up.

(4) The price to be paid for the purchase of the interest of any dissentient shareholder or member may be determined by agreement; but if the parties differ as to the same, the price shall be determined by arbitration. 7 Edw. VII. c. 34, s. 188. Price payable to dissentient member. 9 Edw. VII., c. 35.

**183.** For the purpose of proving claims, sections 25, 26 and 27 of *The Assignments and Preferences Act* shall *mutatis mutandis* apply except that where the word "Judge" is used there shall be substituted for it the words "Master or Local Master mentioned in section 184." *New.* Proving claims. 10 Edw. VII., c. 64.

**184.**—(1) The Master in Ordinary where the head office of the corporation is in the County of York, or the Local Master where the head office is in any other county or in a district or the Master in Ordinary or any Local Master where a Judge of the High Court deems it more convenient that the application should be made to him, and so directs or allows upon the application of the liquidators or of the Inspectors or of any creditor affected by the provisions of section 180, and after hearing such parties as he shall direct to be notified, or after such steps as he may prescribe have been taken, may give his opinion, advice or direction in any matter arising in the liquidation, and the same shall be followed and shall be binding upon all parties in the liquidation, subject to an appeal to a Judge of the High Court in Chambers, if leave to appeal is given by such Master or Local Master or by a Judge of the High Court, and the order of the Judge shall be final and binding in the liquidation. 7 Edw. VII. c. 34, s. 189. Application to Master in Ordinary or Local Master for opinion. By liquidators or inspectors.

(2) A creditor affected by anything done, or proposed to be done under the authority of section 182, shall have the like right to apply in respect thereof, and in other respects the provisions of subsection 1 shall apply. *New.* By creditors.

WINDING UP UNDER ORDER OF THE COURT.

**185.** A corporation may be wound up by Order of the High Court: Winding up by Court.

(*a*) Where it may be wound up voluntarily;

(*b*) Where proceedings have been begun to wind up voluntarily and it appears to the Court that it is

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in the interests of contributories and creditors that they should be continued under the supervision of the Court;

(*c*) Where in the opinion of the Court it is just and equitable for some reason other than the bankruptcy or insolvency of the corporation, that it should be wound up;

(*d*) Where the Letters Patent have been declared forfeited or revoked or made void. 7 Edw. VII. c. 34, s. 190.

Who may apply.

**186.**—(1) The winding-up order may be made by a Judge or Local Judge of the High Court in Chambers upon the petition of the corporation or of a shareholder or member or when the corporation is being wound up voluntarily, of the liquidator or a contributory or of a creditor having a claim of $200 or upwards. 7 Edw. VII. c. 34, s. 191.

Notice.

(2) Except where the application is made by the corporation, four days' notice shall be given to the corporation before the making of the same. (*New.*)

Winding up without voluntary proceedings.

**187.** Where a winding-up order is made by the Court without prior voluntary winding-up proceedings, the winding up shall be deemed to commence at the time of service of notice of the presentation of the petition. 7 Edw. VII. c. 34, s. 192.

Powers of Court.

**188.** The Court may make the order applied for or may dismiss the petition with or without costs; may adjourn the hearing conditionally or unconditionally, or may make any interim or other order as may be deemed just, and upon the making of the order may, according to its practice and procedure, refer the proceedings for the winding up, and may also delegate any powers of the Court conferred by this Act to any officer of the Court. 7 Edw. VII. c. 34, s. 193.

Appointment of liquidator.

**189.**—(1) The Court in making the winding-up order may appoint a liquidator or liquidators of the estate and effects of the corporation; but no such liquidator shall be appointed unless a previous notice is given to the creditors, contributories, shareholders or members in the manner and form prescribed by the Court.

Notice when not necessary.

(2) If a liquidator has already been appointed in a voluntary liquidation such notice need not be given. 7 Edw. VII. c. 34, s. 194.

**190.**—(1) If from any cause there is no liquidator acting either provisionally or otherwise, the Court may on the application of a shareholder or member of the corporation, appoint a liquidator or liquidators. Appointment by Court.

(2) The Court may also, for due cause, remove a liquidator and appoint another liquidator. Removal of liquidator.

(3) When there is no liquidator the estate shall be under the control of the Court until the appointment of a liquidator. 7 Edw. VII. c. 34, s. 195. The case of no liquidator.

**191.** When a winding-up order has been made proceedings for the winding up of the corporation shall be taken in the same manner and with the like consequences as hereinbefore provided for a voluntary winding up, except that the list of contributories shall be settled by the Court unless the same has been settled by the liquidator prior to the winding-up order, in which case such list shall be subject to review by the Court, and except that all proceedings in the winding up shall be subject to the order and direction of the Court. 7 Edw. VII. c. 34, s. 196. Proceeding in winding up after order.

**192.**—(1) The Court may direct meetings of the shareholders or members of the corporation to be summoned, held and conducted in such manner as the Court deems fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of it to the Court. Meetings of members of company may be ordered. Chairman.

(2) The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker or agent or officer of the corporation to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to the liquidator, any sum or balance, books, papers, estate, or effects which are in his hands and to which the corporation is *prima facie* entitled. Order for delivery by contributories and others of property, etc.

(3) The Court may make such order for the inspection by the creditors and contributories of the corporation of its books and papers as the Court deems just; and any books and papers in the possession of the corporation may be inspected in conformity with the order of the Court, but not further or otherwise. 7 Edw. VII. c. 34, s. 197. Inspection of books.

**193.**—(1) The Court may, at any time after the commencement of the winding up, summon to appear before the Court or liquidator any officer of the corporation, or any other person known or suspected to have in his possession any of Examination of persons before court or liquidator.

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the estate or effects of the corporation, or supposed to be indebted to it, or any person whom the Court may deem capable of giving information concerning its trade, dealings, estate or effects.

Power of court to assess damages against delinquent directors, etc.

(2) Where in the course of the winding up it appears that any person who has taken part in the formation or promotion of the corporation or any past or present director, manager, or official or other liquidator, or receiver, or any officer or employee of the corporation has misapplied, or retained in his own hands, or become liable or accountable for, moneys of the corporation, or been guilty of any misfeasance, or breach of trust in relation to it, the Court may, on the application of a liquidator, or of any creditor or contributory, examine into the conduct of the person charged and compel him to repay the money so misapplied or retained, or for which he has become liable or accountable, together with interest at such rate as the Court deems just, or to contribute such sum to the assets of the corporation by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court deems just. 7 Edw. VII. c. 34, s. 198.

Proceedings by contributories, at their own expense and for their own benefit only.

**194.**—(1) If a shareholder or member of the corporation desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the corporation and the liquidator, under the authority of the shareholders or members, or of the inspectors, refuses or neglects to take such proceeding, after being required so to do, the shareholder or member may obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or corporation, but at his own expense and risk, upon such terms and conditions as to idemnity to the liquidator, or corporation, as the Court may prescribe.

Benefits, when exclusively for shareholders.

(2) Thereupon any benefit derived from such proceeding shall belong exclusively to the shareholder or member instituting the same, for his benefit and that of any other shareholder or member who may have joined him in causing the institution of such proceeding.

Benefits, when for shareholders.

(3) If before such order is granted, the liquidator signifies to the Court his readiness to institute such proceeding for the benefit of the corporation, an order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from the proceeding, if instituted within such time, shall belong to the corporation. 7 Edw. VII. c. 34, s. 199.

**195**. The rights conferred by this Act shall be in addition to any other right of instituting proceedings against any contributory, or against any debtor of the corporation, for the recovery of any call or other sum due from such contributory or debtor, or his estate. 7 Edw. VII. c. 34, s. 200. Powers of Court to be in addition to other powers.

**196**. At any time after an order has been made for winding up, the Court upon the application of any contributory, and upon proof to its satisfaction that all proceedings in relation to the winding up ought to be stayed, may make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit. 7 Edw. VII. c. 34, s. 201. Stay of proceedings.

**197**. An appeal shall lie from any order or decision of a Local Judge or of any officer to whom a reference is made to a Judge of the High Court sitting in Court, as in the case of an appeal from the master's report in an action. 7 Edw. VII. c. 34, s. 202. *Redrafted.* Appeal.

**198**. An appeal shall lie to a Divisional Court of the High Court by leave of a judge of the High Court from any order or decision of the High Court or a Judge thereof, in any proceeding in a winding up under an order of the Court when— To Divisional Court.

(*a*) The question raised on the appeal involves future rights; or

(*b*) The order or decision is likely to affect other cases of a similar nature in the winding up proceedings; or

(*c*) The amount involved in the appeal exceeds $500;

and the decision of the Divisional Court shall be final. R.S.C. 1906, c. 144, s. 101 *part.* Decision final.

**199**. The Lieutenant-Governor in Council may make rules for the due carrying out of the provisions of this Part, and, except as otherwise provided by this Act or by such rules, the practice and procedure in a winding up under *The Winding-up Act of Canada*, shall apply. 7 Edw. VII. c. 34, s. 203. Rules of procedure. R.S.C. 1906, c. 144.

**200**.—(1) Where the affairs of the corporation have been fully wound up, the liquidator shall make up an account shewing the manner in which the winding up has been conducted, and the property of the corporation disposed of, and thereupon shall call a general meeting of the shareholders or members of the corporation for the purpose of having the account laid before them, and hearing any explanation that Account of winding up to be made by liquidator to a general meeting.

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may be given by the liquidator, and the meeting shall be called in the manner provided by the by-laws for calling general meetings.

Return of holding of meeting to be sent to Provincial Secretary.

(2) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held, and the return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing, the corporation shall *ipso facto* be dissolved. 7 Edw. VII. c. 34, s. 204. *Amended.*

Dissolution of company.

Order for.

**201.**—(1) Notwithstanding the provisions of the next preceding section the Court at any time after the affairs of the corporation have been fully wound up may make an order dissolving the corporation, and the corporation shall be dissolved at and from the date of such order.

Reports thereon.

(2) The order shall be forthwith reported by the liquidator to the Provincial Secretary. 7 Edw. VII. c. 34, s. 205. *Amended.*

Penalty on default in reporting by liquidator or in making return.

(3) If the liquidator make default in transmitting the return, or in reporting the order, if any, declaring the corporation dissolved, he shall incur a penalty not exceeding $20 for every day during which he is in default. 7 Edw. VII. c. 34, s. 206; 8 Edw. VII. c. 43, s. 1 (25).

Disposition of unclaimed dividends.

**202.** All dividends deposited in a bank and remaining unclaimed at the time of the dissolution of the corporation, shall be left for three years in the bank where they are deposited, or in another bank if so ordered by the Court or Judge, and if then unclaimed, shall be paid over, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over by the Treasurer to the persons entitled thereto. 7 Edw. VII. c. 34, s. 207.

Deposit by liquidator after dissolution of moneys with sworn statement.

**203.**—(1) Every liquidator shall, within thirty days after the date of the dissolution of the corporation, deposit in the bank appointed or named as hereinbefore provided, any other money then in his hands not required for any other purpose authorized by this Act, with a sworn statement giving an account of such money, and stating that the same is all he has in his hands; and in case of default he shall incur a penalty not exceeding $10 for every day during which he is in default.

Penalty on omission.

Money to remain on deposit for three years.

(2) The money so deposited shall remain deposited as provided by section 202 for three years in the bank, and shall be then paid over, with interest to the Treasurer of Ontario, and if afterwards duly claimed shall be paid over to the person entitled thereto.

(3)

Disposal of books, etc., after winding up.

(3) Where a corporation has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the corporation and of the liquidators may be disposed of as the corporation by resolution directs in case of voluntary winding up or as the Court directs in case of winding up under order.

After five years responsibility as to custody of books, etc., to cease.

(4) After the lapse of five years from the date of such dissolution no responsibility shall rest on the corporation or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them are not forthcoming to any person claiming to be interested therein. 7 Edw. VII. c. 34, s. 208.

Provision for discharge of liquidator distribution by the Court.

**204.**—(1) Whenever a corporation is being wound up under an order of the Court, and the realization and distribution of its assets has proceeded so far that in the opinion of the Court it becomes expedient that the liquidator should be discharged, and that the balance remaining in his hands of the money and assets of the corporation can be better realized and distributed by the Court, the Court may make an order discharging the liquidator, and for payment, delivery and transfer into Court, or to such officer or person as the Court may direct, of such money and assets, and the same shall be realized and distributed, by or under the direction of the Court, among the persons entitled thereto, in the same way as nearly as may be, as if the distribution were being made by the liquidator.

Disposal of books and documents.

(2) In such case the Court may make an order directing how the books, accounts and documents of the corporation and of the liquidator may be disposed of, and may order that they be deposited in Court or otherwise dealt with as may be thought fit. R. S. C. 1906, c. 144, s. 47.

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## PART XIV.

### GENERAL PROVISIONS.

Powers of existing corporations may be varied.

**205.**—(1) The Lieutenant-Governor in Council may by Supplementary Letters Patent, upon the application of a corporation or of a shareholder, a creditor or a holder of bonds, debentures, debenture stock or other securities or obligations thereof, or of any person with whom the corporation may have dealings, relieve the corporation from any duty, obligation or other disability which may have been imposed, or may limit any right, power or other advantage

which

which may have been conferred upon the corporation by the repeal of the general Act under which it was incorporated and by the enactment of *The Ontario Companies Act* (1907) or of this Act.

(2) Notice shall thereupon be given by the Provincial Secretary of such Supplementary Letters Patent in the *Ontario Gazette,* setting out the manner in which any such duty, obligation or other disability has been relieved or in which such right, power or other advantage has been limited. 7 Edw. VII. c. 34, s. 209.

Application of Act.

**206.**—(1) This Act, except in so far as it is otherwise expressly declared, shall apply to:

(*a*) Every company incorporated under any special or general Act of the Parliament of the late Province of Upper Canada.

(*b*) Every company incorporated under any special or general Act of the Parliament of the late Province of Canada which has its head office and carries on business in Ontario, and which was incorporated with objects or purposes to which the authority of this Legislature extends;

(*c*) Every corporation incorporated under any of the Acts repealed by *The Ontario Companies Act, 1907*, or under any Act for which any of such repealed Acts was substituted or to which any of such Acts was applicable;

(*d*) Every company incorporated under a special Act to which any of the provisions of *The Ontario Joint Stock Companies Clauses Act* or any Act for which that was substituted was applicable;

(*e*) Every corporation incorporated under this Act or under *The Ontario Companies Act* (1907). (*New.*) (*See* 2 Geo. V. c. 17, s. 50.)

except a company incorporated for the construction and working of a railway or street railway, the business of insurance except as provided by *The Ontario Insurance Act* and the business of a corporation within the meaning of *The Loan and Trust Corporations Act,* except as provided by that Act.

Proviso.

(2) The Lieutenant-Governor in Council may relieve any company incorporated before the first day of July, 1907, from compliance with any of the provisions of this Act. 7 Edw VII. c. 34, s. 210.

**207.**

**207**. Where not otherwise provided the penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. (*New.*) Recovery of penalties. 10 Edw. VII., c. 37.

**208**. Chapter 34 of the Acts passed in the seventh year, chapter 43 of the Acts passed in the eighth year, chapter 66 of the Acts passed in the ninth year, and chapter 80 of the Acts passed in the tenth year of the reign of His late Majesty King Edward VII. and section 9 of *The Statute Law Amendment Act, 1911,* are repealed. Repeal.

**209**. This Act shall, except as otherwise expressed, come into operation on the first day of August, 1912. Commencement of Act.

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## SCHEDULE.

### FORM I.

PETITION.

To His Honour .....
..... Etc.,

*Lieutenant-Governor of the Province of Ontario*:

The Petition of .....
.....
.....
.....
.....*Humbly sheweth as follows*:—

1. Your petitioners are desirous of obtaining Letters Patent, under the provisions of *The Ontario Companies Act*, constituting your petitioners and such others as may become shareholders in the Company thereby created, a body corporate and politic under the name of The .....Company (Limited), or such other name as shall appear to Your Honour to be proper.

2. Your petitioners have satisfied themselves that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.

3. Your petitioners have satisfied themselves that no public or private interest will be prejudicially affected by the incorporation of your petitioners.

4. Each of your petitioners is of the full age of twenty-one years.

5. The object for which incorporation is sought is to.....
.....
.....
.....

6. The head office of the Company will be at .....

7. The amount of the capital stock of the company is to be ..... dollars.

8. The stock is to be divided into .....shares of ..... dollars each.

9. The said .....
.....
are to be provisional directors of the company.

10. By subscribing therefor in a Memorandum of Agreement, duly executed in duplicate, with a view to the incorporation of the company, your petitioners have taken the amount of stock set opposite their respective names, as follows:—

| Petitioners. | Amount of stock subscribed for. |
|---|---|
| ..... | $..... |
| ..... | $..... |
| ..... | $..... |
| ..... | $..... |

YOUR PETITIONERS therefore pray that Your Honour may be pleased to grant Letters Patent constituting your petitioners and the persons who have become subscribers to the Memorandum of Agrement and such other persons as may become shareholders in the company, a body corporate and politic for the due carrying out of the undertaking.

And your petitioners, as in duty bound, will ever pray, etc.

Dated at .....this .....day of .....19 .

| Signature of witnesses. | Signatures of Petitioners |
|---|---|
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |

7 Edw. VII. c. 34, Sched. A.

FORM

## FORM 2.

*(To be executed in duplicate; one duplicate to be deposited in the office of the Provincial Secretary.)*

*(Name of Company concluding with the word)* ..... (LIMITED.)

MEMORANDUM OF AGREEMENT AND STOCK-BOOK.

WE the undersigned hereby severally covenant and agree each with the others to become incorporated as a company under the provisions of *The Ontario Companies Act* under the name of ..... ..... (LIMITED), or such other name as the Lieutenant-Governor may give to the company, with a capital of .....dollars, divided into .....shares of .....dollars each.

AND WE hereby severally subscribe for and agree to take the respective amounts of the capital stock of the said company set opposite our respective names as hereunder written, and to become shareholders in such company to the said amounts.

Witness our hands and seals.

| Name of subscriber. | Seal. | Amount of sub-scription. | Date and place of subscription. | | Residence of subscriber. | Name of witness. |
|---|---|---|---|---|---|---|
| | | | Date. | Place. | | |
| | | | | | | |

7 Edw. VII., c. 34, Sched. B.

FORM 3.

PETITION FOR INCORPORATION WITHOUT SHARE CAPITAL

To His Honour .....
..... Etc.,
Lieutenant-Governor of the Province of Ontario:

The Petition of .....
.....
.....
.....
.....
.....*Humbly sheweth as follows:*—

1. Your petitioners are desirous of obtaining Letters Patent, under the provisions of *The Ontario Companies Act*, constituting your petitioners and such others as may become members of the corporation thereby created, a body corporate and politic without share capital, under the name of .....or such other name as shall appear to Your Honour to be proper.

2. Your petitioners have satisfied themselves that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.

3. Your petitioners have satisfied themselves that no public or private interest will be prejudicially affected by the incorporation of your petitioners.

4. Each of your petitioners is of the full age of twenty-one years.

5. The object for which incorporation is sought is to.....
.....
.....
.....

6. The said .....
.....
are to be the provisional directors of the corporation.

7. Your petitioners have signed a memorandum of agreement in duplicate, setting out the purposes and objects of incorporation and provisions for administering the affairs of the corporation, and have undertaken that the said corporation shall be carried on without the purposes of gain for its members, and that any profits or other accretions to the corporation shall be used in promoting its objects.

YOUR PETITIONERS therefore pray that Your Honour may be pleased to grant Letters Patent constituting your petitioners and such others as have become subscribers to the Memorandum of Agreement and such persons as may thereafter become members of the corporation, a body corporate and politic for the due carrying out of the undertaking.

And your petitioners, as in duty bound, will ever pray, *etc.*

Dated at..... this .....day of.....19 .

Signature

| Signature of witnesses. | Signature of petitioners. |
|---|---|
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |

7 Edw. VII. c. 34, Sched. C.

FORM 4.

Memorandum of Agreement of the
made, and entered into this day of 19 .

1. We the undersigned hereby severally covenant and agree each with the others to become incorporated under the provisions of *The Ontario Companies' Act* as a corporation without share capital for the purposes and objects following: (*Setting out the objects of the corporation.*)

2. The subscribers shall be the first members, and it shall rest with the directors to determine the terms and conditions on which subsequent members shall from time to time be admitted.

3. The following shall be the first directors of the corporation:—

4. The first directors shall hold office until the first general meeting, and unless otherwise provided by the members in general meeting the subsequent directors shall hold office for one year or until their successors are appointed.

5. Any member may transfer his interest in the corporation by instrument in writing, signed both by the transferor and transferee and duly registered with the corporation.

6. The first general meeting shall be held at such time, not being more than two months after incorporation, and at such place as the directors may determine.

7. Subsequent general meetings shall be held at such time and place as may be prescribed by the corporation in general meeting; and, if no other time or place is prescribed, a general meeting shall be held on the fourth Wednesday in January in every year, at such place as may be determined by the directors.

8. The directors may, whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene a general meeting.

9. The requisition shall express the object of the meeting proposed to be called, and shall be left at the office of the corporation.

10. Upon the receipt of such requisition the directors shall forthwith convene a general meeting, and, if they do not convene the same within twenty-one days of the receipt of the requisition, the requisitionists or any other five members may themselves convene a meeting.

11. At least ten days notice of any general meeting, specifying the place, the day, and the hour of meeting, and in case of special business the general nature of such business, shall be given to the members in the manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the corporation in general meeting but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

12. If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the following week, at the same hour and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

13.—(1) The chairman (if any) of the directors shall preside as chairman at every general meeting of the corporation.

(2) If there is no such chairman, or if at any meeting he is not present, the members present shall choose one of their number to be chairman of the meeting.

14. The chairman may, with the consent of the meeting, adjourn it from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

15. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the minutes of proceedings of the corporation, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

16. If a poll is demanded, the same shall be taken in such manner as the chairman directs, and the result shall be deemed to be the resolution of the corporation in general meeting.

17. With the consent in writing of all the members, a general meeting may be convened on shorter notice than ten days, and in any manner which such members think fit.

18. The presence in person or by proxy of either at least 30 members or of one-fourth of the members shall be necessary to constitute a quorum at general meetings.

19. Until otherwise determined by special resolution, every member shall have one vote.

20. Votes may be given either personally or by proxy, and the instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under its common seal, and shall be attested by at least one witness, and no person shall be appointed a proxy who is not a member of the corporation.

21. A resolution signed by all the directors shall be as valid and effectual as if it had been passed at a general meeting of the directors duly called and constituted.

22. The future remuneration of the directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the corporation in general meeting.

23. The affairs of the corporation shall be managed by the directors, who may pay all expenses of the incorporation, and may exercise all such powers of the corporation as are not by *The Ontario Companies Act*, or by this memorandum required to be exercised by the corporation in general meeting, subject, nevertheless

less, to any regulations of this memorandum, to the provisions of that Act, and to such regulations not inconsistent with such regulations or provisions as may be prescribed by the corporation in general meeting; but no regulation made by the corporation in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made. The continuing directors may act notwithstanding any vacancy in their body.

24.—(1) The office of director shall be vacated:—

(*a*) If he holds any other office or place of profit under the corporation;

(*b*) If he is concerned in or participates in the profits of any contract with the corporation;

(2) No director shall vacate his office by reason of his being a shareholder or member of any corporation which has entered into any contract with or done any work for the corporation of which he is a director, but he shall not vote in respect of such contract or work, and if he votes his vote shall not be counted.

25. A retiring director shall be eligible for re-election.

26. If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled, the meeting shall stand adjourned till the same day in the next week, at the same hour and place; and if at such adjourned meeting the places of the vacating directors are not filled, the vacating directors, or such of them as have not had their places filled, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled.

27. The corporation may, from time to time, in general meeting, increase or reduce the number of directors, and may also determine in what rotation any such increased or reduced number is to go out of office.

28. Any casual vacancy occurring in the board of directors may be filled by the directors, but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

29. The corporation, in general meeting, by a resolution, of which notice has been given in the notice calling the meeting, may remove any director before the expiration of his period of office, and may, by resolution, appoint another person in his stead; the person so appointed shall hold office during such time as the director in whose place he was appointed would have held the same if he had not been removed.

30.—(1) The directors may meet for the despatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business.

(2) Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote.

(3) A director may at any time summon a meeting of the directors.

31. The directors may elect a chairman of their meetings, and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not

present,

present, the directors present shall choose one of their number to be chairman of the meeting.

32. The directors, by resolution entered upon the minutes, may delegate any of their powers to committees consisting of such member or members of their body as they think fit, and a committee so formed shall, in the exercise of its powers so delegated, conform to any regulations that may be imposed on them by the directors.

33. A committee may elect a chairman, and if no such chairman is elected, or if he is not present, the members present shall choose one of their number to be chairman of the meeting.

34. A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

35. All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such director or person so acting, or that they, or any one of them, were disqualified, shall be as valid as if every such person had been duly appointed and was qualified to be a director; but it shall not be necessary to give notice of a meeting of the directors to a director who is not in Ontario.

In testimony whereof we have hereunto set our hands and affixed our seals.

7 Edw. VII. c. 34, Schedule D.

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FORM 5.

Statement in lieu of prospectus filed by Limited.

pursuant to section 100.

Presented for filing by

*The Ontario Companies Act.*

STATEMENT IN LIEU OF PROSPECTUS.

| | |
|---|---|
| The nominal share capital of the company | $..... |
| Divided into ..... | Shares of $ each. |
| | " " " |
| | " " " |
| Names, descriptions and addresses of directors or proposed directors. | |
| Minimum subscription (if any) fixed by the memorandum of association on which the company may proceed to allotment. | |

Number

| | |
|---|---|
| Number and amount of shares and debentures agreed to be issued as fully or partly paid-up otherwise than in cash. The consideration for the intended issue of those shares and debentures. | 1. shares of $ fully paid.<br>2. shares upon which $ per share credited as paid.<br>3. debenture $<br>4. Consideration. |
| Names and addresses of vendors of property purchased or acquired, or proposed to be purchased or acquired by the company. Amount (in cash, shares or debentures) payable to each separate vendor. | |
| Amount, if any, paid or payable (in cash or shares or debentures) for any such property, specifying amount, if any, paid or payable for goodwill. | Total purchase price, $<br>Cash " " $<br>Shares " " $<br>Debentures " $<br>Goodwill " " $ |
| Amount, if any, paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company, or | Amount paid<br>" payable |
| Rate of commission ..... | Rate per cent. |
| Estimated amount of preliminary expenses ..... | |
| Amount paid or intended to be paid to any promoter.<br>Consideration for payment. | Name of promoter.<br>Amount $<br>Consideration |
| Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of business intended to be carried on by the company or entered into more than two years before the filing of this statement.) | |
| Time and place at which the contracts or copies thereof may be inspected. | |
| Names and addresses of the auditors of the company (if any). | |
| Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such | |

a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.

Whether the articles contain any provisions precluding holders of shares or debentures receiving and inspecting balance sheets or reports of the auditors or other reports.

Nature of the provisions.

(Signatures of the persons above named as directors or proposed directors, or of their agents authorized in writing.)

.....
.....
.....

FORM 6.

*Instrument of Proxy.*

Company, Limited.

I, of
a shareholder of Company, Limited,
hereby appoint of
(*naming the proxy*) as my proxy to vote for me and on my behalf
at the meeting of the company, to be
held on the day of , 19 , and at any
adjournment thereof.

Dated this day of , 19

Note.—

(1) Where the appointor is a corporation or an officer of it the necessary changes must be made in the form.

(2) Where the instrument is signed by a corporation its common seal must be affixed.

CHAPTER

# CHAPTER 32.

## An Act respecting Companies for the Construction of Wharfs and Harbours.

*Assented to 16th April, 1912.*

SHORT TITLE, S. 1.
APPLICATION OF ACT, S. 2.
COMPANY MAY DETAIN VESSELS AND GOODS, AND SELL THE SAME TO PAY TOLLS AND OTHER DUES, S. 3.
MUNICIPAL COUNCILS MAY HOLD STOCK IN COMPANY, S. 4.
MUNICIPALITIES MAY PURCHASE UNDERTAKING AND ASSETS, S. 5.
REPEAL, S. 6.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Wharfs and Harbours Act. New.* Short title.

**2.** This Act shall apply to every company heretofore or hereafter incorporated for constructing a pier or wharf, for dredging, deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith. 7 Edw. VII. c. 23, s. 21. Application of Act.

[*Sections 1 to 7 repealed by 7 Edw. VII. c. 34, s. 211.*]

**3.**—(1) The company may detain any goods, wares or merchandise, or any vessel, boat or craft, until the tolls or charges thereon have been paid, and may sell any vessel or boat for the charges for repairs thereof, when such charges have remained unpaid for thirty days. Company may detain vessels and goods, sell the same to pay tolls and other dues.

(2) Where the charges for wharfage or storage dues on goods, wares or merchandise have remained unpaid for thirty days, the company, after giving ten days' notice of sale, may, by public auction, sell such goods, wares or merchandise, or such part thereof as may be necessary to pay such dues, and shall return any overplus to the owner thereof. Sale of goods for dues.

(3)

Return of surplus to owner.

(3) The company shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. (*See* R.S.C. c. 37, s. 345 (2), (3).

Municipal councils may hold stock in company.

**4**. The corporation of the municipality in which any such work is to be constructed may subscribe for, acquire, hold, and transfer shares in the company or may direct the head of the municipality to subscribe for such shares in the name of the corporation and to act for the corporation in all matters relating to such shares and the exercise of the rights of the corporation as a shareholder, and the head of the municipality, whether otherwise qualified or not, may vote and act in respect of such shares, subject to any rules and orders in relation to his authority made by the council, and according to his discretion in cases not provided for by the council. R.S.O. 1897, c. 195, s. 9. *Amended.*

Municipalities may purchase undertaking and assets.

**5**. A company may sell to the corporation of any municipality in which the work is situate, and any such corporation may purchase the undertaking and assets of the company at the value agreed on between them, and the corporation shall, in all respects thereafter stand in the place of the company, and possess all its powers and authority. R.S.O. 1897, c. 195, s. 11. *Amended.*

[*Sections 12 to 14 repealed by 7 Edw. VII. c. 34, s. 211.*]

Rev. Stat., c. 195; 7 Edw. VII. c. 23, s. 21 repealed.

**6**. Chapter 195 of the Revised Statutes of Ontario, 1897, and section 21 of the Act passed in the 7th year of His late Majesty's reign, chaptered 23, are repealed.

CHAPTER

# CHAPTER 33.

## An Act respecting Insurance.

*Assented to 16th April, 1912.*

PART I.


SHORT TITLE, S. 1.
INTERPRETATION, S. 2.
DEPARTMENT OF INSURANCE, S. 3.
SUPERINTENDENT OF INSURANCE, SS. 4, 202-204.
EVIDENCE, S. 5.
CONTRIBUTION FROM COMPANIES TOWARDS EXPENSES, S. 6.
SUPERINTENDENT AND OFFICERS TO BE DISINTERESTED, S. 7.
FIAT OF ATTORNEY-GENERAL REQUISITE IN CERTAIN PROCEEDINGS, S. 8.
INCORPORATION OF JOINT STOCK COMPANIES, SS. 9-11.
Capital stock, s. 13.
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SHARE OR STOCK CAPITAL IN CASH MUTUAL FIRE INSURANCE COMPANIES; CONVERSION OF CASH MUTUAL INTO JOINT STOCK COMPANIES, SS. 25-32.
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REMUNERATION OF DIRECTORS, S. 120.
FAILURE TO ELECT DIRECTORS, S. 121.
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EXECUTIONS AGAINST MUTUAL AND CASH MUTUAL COMPANIES, S. 153.
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INSURANCE OF THE PERSON, SS. 162-190.
Provisions applicable to Preferred Beneficiaries, ss. 178-182.
Additional provisions applicable to Friendly Societies only, ss. 183-190.
FIRE INSURANCE,—
General provisions, ss. 191-193.
Statutory conditions and provisions relating thereto, ss. 194-201.
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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PART I.

Short Title.

**1.** This Act may be cited as *The Ontario Insurance Act, 1912*. R.S.O. 1897, c. 203, s. 1.

Interpretation.

**2.** In this Act,

"Account"

(1) "Account" shall include travelling expenses, all fees and allowances and bills of costs. R.S.O. 1897, c. 203, s. 2, par. 1; 1 Edw. VII. c. 21, s. 1 (1).

"Actuarial liabilities."

(2) "Actuarial liabilities" shall mean the liabilities chargeable against an insurance corporation in respect of its insurance contracts before their maturity.

"Actuarial solvency."

(3) "Actuarial solvency" shall mean the solvency of an insurance corporation when its actuarial liabilities are charged or treated as present liabilities.

"Appeal."

(4) "Appeal" shall include a judicial revision or review of a judgment, decision, order, direction, determination, finding or conviction, and a case stated or reserved, and a removal of proceedings by way of *certiorari* or otherwise. R.S.O. 1897, c. 203, s. 2, pars. 2-4.

"Assessment insurance," or "insurance upon the assessment system."

(5) "Assessment insurance" or "insurance on the assessment system," shall include any contract in which the premium, not being a premium note within the meaning of paragraph 46 of this section, consists of sums uncertain or variable in time, number or amount; and also any contract whereby the benefit is in any manner or degree made dependent upon the collection of sums levied upon persons holding similar contracts, or upon members of the contracting corporation, and shall also include any assessment insurance undertaken or transacted under the authority of *The Insurance Act* of Canada. R.S.O. 1897, c. 203, s. 2, par. 32.

9-10 Edw. VII. (Dom.) c. 32.

(6)

(6) "Beneficiary" shall include every person entitled to insurance money, and the executors, administrators and assigns of any person so entitled. R.S.O. 1897, c. 203, s. 2, par. 34, *last part*. "Beneficiary."

(7) "Beneficiary for value" shall mean a beneficiary for a valuable consideration other than marriage. R.S.O. 1897, c. 203, s. 2, par. 33. "Beneficiary for value."

(8) "Branch" shall mean any number of the members of a corporation under the control of a central body, having a separate insurance fund administered by themselves, and shall include a committee having, under the authority of an Act of Canada, the management of a benefit, insurance or gratuity fund. R.S.O. 1897, c. 203, s. 2, par. 19. "Branch."

(9) "Canadian company" or "Canadian corporation" shall mean a company or body incorporated by or under the authority of an Act of the Parliament of Canada. R.S.O. 1897, c. 203, s. 2, par. 23. *Amended*. "Canadian" Company or Corporation.

(10) "Cash-mutual company" shall mean a company organized to transact mutual insurance, but empowered to undertake contracts of insurance on both the cash plan and the premium note or mutual plan. R.S.O. 1897, c. 203, s. 2, par. 50. "Cash mutual company."

(11) "Chief Agency" shall mean the principal office or place of business in Ontario of an extra-provincial corporation undertaking insurance in Ontario. "Chief Agency."

(12) "Collector" shall include every officer, agent or person receiving pay, however remunerated, who by himself or by any deputy or substitute collects premiums, fees, assessments or other money for an insurance corporation. "Collector."

(13) "Company" shall mean and include any corporation, or any society or association, incorporated or unincorporated, or any partnership, or any underwriter that undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect, in Ontario, any contract of insurance within the meaning of this Act. R.S.O. 1897, c. 203, s. 2, pars. 20-22. "Company."

(14) "Contract of insurance" shall mean and include any policy, certificate, interim receipt, or renewal receipt, or writing evidencing the contract, or any contract or agreement sealed, written or oral, the subject matter of which is insurance. R.S.O. 1897, c. 203, s. 2, par. 37. *Amended*. "Contract of insurance."

"Contributory." (15) "Contributory" shall mean a person who is liable to contribute to the assets of an insurance corporation under this Act. R.S.O. 1897, c. 203, s. 2, par. 6. *Amended.*

"Insurance Corporation." (16) "Corporation" or "Insurance corporation" shall include any corporation which undertakes or offers to undertake a contract of insurance, and also any continuously existent body which undertakes or offers to undertake such contract, and which, though not actually incorporated, is nevertheless legally entitled to sue and be sued in the name of any officer thereof, or of a public officer. R.S.O. 1897, c. 203, s. 2, par. 42.

"Credit Insurance." (17) "Credit Insurance" shall mean insurance against the insolvency of debtors or against loss from giving or extending credit. 4 Edw. VII. c. 15, s. 2. *Part amended.*

"Creditor." (18) "Creditor" shall include every person entitled to claim under a matured policy or under a policy which has attained a fixed surrender value; and subject to section 217, in the case of an insurance corporation required by law or departmental regulation to maintain an ascertained or ascertainable reserve to meet its actuarial liabilities under unmatured policies, "creditor" in a winding up or liquidation under this Act shall also include any person who is a policy holder or beneficiary for value. R.S.O. 1897, c. 203, s. 2, par. 5; 1 Edw. VII. c. 21, s. 1 (2). *Part amended.*

"Declaration." (19) "Declaration" shall include any mode of designating in writing a beneficiary or of apportioning or reapportioning insurance money among beneficiaries. *New.*

"Department." (20) "Department" shall mean the Department of Insurance of Ontario. *New.*

"Directors." (21) "Directors" shall include the board or committee, by whatever name known, having the management of an insurance corporation. R.S.O. 1897, c. 203, s. 2, par. 25.

"Due application." (22) "Due application" shall include such information, evidence and material as the Superintendent or Registrar requires to be furnished; and also the payment of the fees hereinafter prescribed in respect of any application, certificate or document required or issued by virtue of this Act. R.S.O. 1897, c. 203, s. 2, par 7. *Amended.*

"Endowment insurance." (23) "Endowment insurance" shall mean an undertaking to pay an ascertained or ascertainable sum at a fixed

future

future date, if the assured is then alive, or at his death, if he dies before such date, and shall include an undertaking to pay such sum on the assured reaching a stated age or attaining his expectation of life. R.S.O. 1897, c. 203, s. 2, par. 38. *Amended.*

"Executive Officers."

(24) "Executive officers" shall mean the persons who under the constitution and rules of a friendly society are entrusted with the management of its affairs. *New.*

"Extra Provincial Corporation."

(25) "Extra Provincial corporation" shall mean a corporation, not incorporated by or under the authority of a statute of Ontario and undertaking insurance in Ontario. *New.*

"Fidelity Insurance."

(26) "Fidelity Insurance" shall mean insurance against the dishonesty, unfaithfulness, negligence, or default of employees, or trustees, or persons occupying public or private positions of duty, trust, confidence or agency. 4 Edw. VII. c. 15, s. 2. *Part amended.*

"Foreign Jurisdiction."

(27) "Foreign Jurisdiction" shall include any jurisdiction other than that of Ontario. R.S.O. 1897, c. 203, s. 2, par. 9.

"Society" or "Friendly Society."

(28) "Friendly Society" or "Society" shall include any corporation, society, association, or fraternity, benevolent, mutual, provident, industrial, or co-operative, or the like, which, not being a corporation or required by law to be licensed for the transaction of insurance, undertakes or effects for valuable consideration, or agrees or offers so to undertake, or effect, with any person in Ontario any contract of insurance.

"Guarantee insurance."

Contracts of suretyship, etc.

(29) "Guarantee Insurance" shall include "Credit Insurance," "Fidelity Insurance," and "Title Insurance," and any contract whereby the insurer undertakes suretyship; or undertakes to pay money or perform a contract, trust or duty on default of another who is in the first instance liable for such payment or performance. 4 Edw. VII. c. 15, s. 2. *Part amended.*

"Head office."

(30) "Head office" shall mean the place where the chief executive officers of an insurance corporation are authorized to transact its business. R.S.O. 1897, c. 203, s. 2, par. 26.

"Inland marine insurance."

(31) "Inland marine insurance" shall mean marine insurance in respect of subjects of insurance at risk above the harbour of Montreal. R.S.O. 1897, c. 203, s. 2, par. 40.

"Insurance." (32) "Insurance" shall include the following, whether the contract be one of primary insurance, or of reinsurance, and whether the premium payable be a sum certain, or consist of sums uncertain or variable in time, number or amount—

(*a*) Insurance against death, sickness, infirmity, casualty, accident, disability, or any change of physical or mental condition;

(*b*) Insurance against financial loss; or against loss of work, employment, practice, custom, wages, rents, profits, income or revenue;

(*c*) Insurance of property against any loss or injury from any cause whatsoever, whether the obligation of the insurer is to indemnify by a money payment, or by restoring or reinstating the property insured;

(*d*) Contracts of endowment, assessment-endowment, tontine, semi-tontine, life-time benefits, annuities on lives, or contracts of investment involving tontine or survivorship principles for the benefit of persisting members; and any contract of investment involving life contingencies. R.S.O. 1897, c. 203, s. 2, par. 41, cls. (*a-d*).

(*e*) Any contract made in consideration of a premium and based on the expectancy or expectation or probability of life; and any contract made on such consideration and having for its subject the life, safety, health, fidelity or insurable interest of any person, whether the benefit under the contract is primarily payable to the assured or to a donee, grantee or assignee, or to trustees, guardians, or representatives, or to, or in trust for, any beneficiary, or to the assured by way of indemnity or insurance against any liability incurred by him by or through the death or injury of any person. R.S.O. 1897, c. 203, s. 2, par. 41, cl. (*e*); 1 Edw. VII. c. 21, s. 1 (3).

(*f*) Any investment contract under which lapses or payments made by discontinuing members or investors, accrue to the benefit of persisting members or investors, except where a corporation, other than an insurance corporation, is expressly authorized to undertake such contract by a statute in force in Ontario;

(*g*)

(*g*) Generally any contract in the nature of any of the foregoing whereby the benefit under the contract accrues payable on or after the occurrence of some contingent event. R.S.O. 1897, c. 203, s. 2, par. 41, cls. (*f-g*).

(*Note.—"Insurance on the Assessment System" defined under "Assessment Insurance."*)

"Insurance on the cash plan."

(33) "Insurance on the cash plan" shall mean insurance given for a money consideration without premium note. R.S.O. 1897, c. 203, s. 2, par. 49.

(*Note.—"Insurance Corporation" defined under "Corporation."*)

"Insurance fund" or "insurance funds."

(34) "Insurance fund" or "insurance funds" as applied to a friendly society, or as applied to any corporation not incorporated exclusively for the transaction of insurance, shall include all money, securities for money, and assets appropriated by the rules of the society or corporation to the payment of insurance liabilities or appropriated for the management of the insurance branch or department or division of the society, or otherwise legally available for insurance liabilities, but shall not include funds of a trade union appropriated to or applicable for the voluntary assistance of wage-earners, unemployed or upon strike. R.S.O. 1897, c. 203, s. 2, par. 43.

"Insurance of the person."

(35) "Insurance of the person" shall include insurance against death, sickness, infirmity, casualty, accident, disability, or against any change of physical or mental condition and any contract of insurance having for its subject the life, health, safety or physical or mental condition of a person. R.S.O. 1897, c. 203, s. 2, par. 46.

"Insurance money."

(36) "Insurance money" shall include every benefit and bonus payable by the insurer under the contract of insurance. R.S.O. 1897, c. 203, s. 2, par. 34. *First part amended.*

"Lodge."

(37) "Lodge" shall include a primary subordinate division, by whatever name known, of a friendly society. R.S.O. 1897, c. 203, s. 2, par. 28.

"Master."

(38) "Master" shall mean the Master in Ordinary in the case of a corporation having its head office at Toronto or in the County of York; and in the case of a corporation having

its

its head office in any other county or in a district shall mean the local Master in such county or district. R.S.O. 1897, c. 203, s. 76 (5). *Amended.*

"Member."

(39) "Member" as applied to any mutual or cash-mutual company transacting fire, live-stock or weather insurance shall mean a policy-holder on the premium note plan, and as to a mutual or cash-mutual company, having joint stock capital, shall include any holder of shares of such capital. R.S.O. 1897, c. 203, s. 2, par. 51. *Amended.*

"Minister."

(40) "Minister" shall mean that member of the Executive Council, charged for the time being by the Lieutenant-Governor in Council with the administration of this Act. R.S.O. 1897, c. 203, s. 2, par. 11. *Amended.*

"Municipality."

(41) "Municipality" shall include a provisional judicial district and any locality the inhabitants of which are incorporated. *New.*

"Mutual insurance."

"Mutual company."

(42) "Mutual insurance," in the case of fire, live-stock or weather insurance, shall mean insurance given in consideration of a premium note with or without an immediate cash payment thereon; and "mutual company" shall mean a company empowered solely to transact such insurance. R.S.O. 1897, c. 203, s. 2, par. 52. *Amended.*

"Nominee."

(43) "Nominee" when used with reference to annuities on lives shall mean a designated person on whose life another's annuity depends. R.S.O. 1897, c. 203, s. 2, par. 53.

"Officer."

(44) "Officer" shall include any trustee, director, manager, treasurer, secretary or member of the board or committee of management of a corporation or any person appointed by the corporation to sue and be sued in its behalf. R.S.O. 1897, c. 203, s. 2, par. 29.

"Policy."

(45) "Policy" shall include any contract of insurance within the meaning of this Act. R.S.O. 1897, c. 203, s. 2, par. 54.

"Premium note."

(46) "Premium note" shall mean an instrument given as consideration for fire or live-stock or weather insurance, whereby the maker undertakes to pay such sum or sums as may be legally demanded by the insurer, the aggregate of such sums not to exceed an amount specified in the instrument. R.S.O. 1897, c. 203, s. 2, par. 56.

(47) "Provincial company" or "Provincial corporation" shall mean a company or body incorporated by or under an Act of the Legislature of Ontario. R.S.O. 1897, c. 203, s. 2, par. 24. "Provincial Company or Corporation."

(48) "Receiver" shall include interim receiver. R.S.O. 1897, c. 203, s. 2, par. 14. "Receiver."

(49) "Registrar" shall mean the Registrar of Friendly Societies. *New.* "Registrar."

(50) "Registry" shall mean registration in the Insurance Company Register, or in the Friendly Society Register, according as the matter pertains to an insurance company or a friendly society respectively, and shall include extension or renewal of registry. R.S.O. 1897, c. 203, s. 2, par. 16. "Registry."

(51) "Rules" shall mean and include provisions of the constitution and rules or regulations, or resolutions or by-laws in force for the time being. R.S.O. 1897, c. 203, s. 2, par. 30. "Rules."

(52) "Solvent," as applied to a friendly society not undertaking endowment insurance or annuities, shall mean a society respecting which it has been made to appear to the Registrar that the society has no present liabilities apart from actuarial liabilities, or has immediately realizable assets adequate to discharge its present actual liabilities. R.S.O. 1897, c. 203, s. 2, par. 18. "Solvent society."

(53) "Superintendent" shall mean the Superintendent of Insurance, and shall include the Deputy Superintendent of Insurance. *New.* "Superintendent."

(54) "Title Insurance" shall include insurance whereby the insurer insures the validity of title to property real or personal or insures the legality and validity of written obligations or of other instruments. 4 Edw. VII. c. 15, s. 2. *Par. (b) amended.* "Title Insurance."

(55) "Trade union" shall mean an organization of wage-earners of a particular trade or industrial calling constituted primarily and operated *bona fide* for regulation of wages and hours of labour as between employers and employed; but shall not include a co-operative association or society. R.S.O. 1897, c. 203, s. 2, par. 31. "Trade or labour union or organization."

(56) "Upon proof" as applied to any matter connected with the registry of a corporation or person, or with the registration of any matter or thing required by this Act to be "Upon proof."

be registered, shall mean upon proof to the satisfaction of the Superintendent. R.S.O. 1897, c. 203, s. 2, par. 57.

"will" (57) "Will" shall mean last will and testament. *New.*

The Department of Insurance.

**3.** For the purposes of this Act there shall be a Department of Insurance, and the same shall be presided over by the Minister. *New.*

Appointment of Superintendent of Insurance.

**4.**—(1) The Lieutenant-Governor in Council may appoint an officer to be called the Superintendent of Insurance, who shall act under the direction of the Minister. R.S.O. 1897, c. 203, s. 174 (1). *First part.*

Superintendent of Insurance to supervise business.

(2) The Superintendent shall have general supervision of the business of insurance within Ontario and shall see that the laws relating to the conduct thereof are enforced and obeyed. *New.*

(*Note.—Subsection 2, re salary of Inspector, struck out as unnecessary.*)

To report to Minister.

(3) The Superintendent shall examine and report to the Minister from time to time upon all matters connected with insurance. R.S.O. 1897, c. 203, s. 174 (1). *Last part.*

Registrar of Friendly Societies.

(4) The Lieutenant-Governor in Council may also appoint an officer to be called the Registrar of Friendly Societies, who shall perform such duties as are assigned to him by this Act by the Lieutenant-Governor in Council, the Minister, or the Superintendent. *New.*

Superintendent to act as Registrar.

(5) Until the appointment of a Registrar the Superintendent shall perform the duties of Registrar. *New.*

Deputy Superintendent of Insurance.

(6) The Lieutenant-Governor in Council may also appoint an officer to be called the Deputy Superintendent of Insurance, who shall act as Superintendent during the absence or inability of the Superintendent, and shall perform such other duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, by the Minister, or by the Superintendent and Registrar. *New.*

Deputy Superintendent may be Registrar.

(7) The same person may be appointed, both Deputy Superintendent and Registrar. *New.*

Evidence.

**5.** For the purposes of his duties under this Act, or under any other Act relating to insurance, the Superintendent may require to be made, and may take and receive affidavits,

statutory

statutory declarations and depositions, and may examine witnesses upon oath; and he shall have the same power to summon officers of corporations, receivers and liquidators, and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books, documents and things, and to give evidence as any Court has in civil cases. R.S.O. 1897, c. 203, s. 56 (2).

Contribution from companies to expenses.

**6.**—(1) Towards defraying the expenses of the office of the Superintendent, a sum not exceeding $5,000 shall be annually contributed by the companies required to be licensed under this Act.

Mode of determining the amount of contribution to expenses.

(2) The amount to be annually contributed shall be assessed *pro rata* on the basis of the gross amount at risk as shown by the books of the several companies on the 31st day of December next preceding. R.S.O. 1897, c. 203, s. 181 (1-2). *Amended.*

Contribution to be paid before renewal of license.

(3) A company shall not be entitled to have its license renewed until the amount of its contribution has been paid and the Superintendent's certificate shall be conclusive as to the amount payable. *New.*

Superintendent and Officers not to be interested in any company.

**7.** Neither the Superintendent nor any officer under him, shall be interested as a shareholder, directly or indirectly, in any insurance company doing business in Ontario. R.S.O. 1897, c. 203, s. 180.

Attorney-General's fiat required in action against Superintendent or Registrar.

**8.** Without a fiat of the Attorney-General, no action or proceeding shall be brought or taken against the Superintendent or Registrar for anything done or not done in the performance, or intended or supposed performance of his duty under this Act, or under any other Act which imposes duties upon them or either of them. 1. Edw. VII. c. 21, s. 3 (5). *Amended.*

JOINT STOCK COMPANIES.

Formation of joint stock company.

**9.**—(1) The Lieutenant-Governor in Council may by Letters Patent constitute any number of persons, not less than five of the full age of 21 years, and any others who become shareholders a body corporate and politic for the purpose of undertaking and transacting any kind of insurance for which a joint stock company may be licensed under this Act.

Notice of intended application.

(2) Applicants for incorporation shall immediately prior to the application, publish in at least four consecutive issues of the *Ontario Gazette* notice of their intention to apply, and

shall

shall also if so required publish elsewhere notice of such intention. R.S.O. 1897, c. 203, s. 3 (1-2), *amended.*

Contents of notice.

(3) The notice shall state,—

(*a*) The proposed corporate name of the company;

(*b*) The objects for which the company is to be incorporated;

(*c*) The kind of insurance proposed to be transacted;

(*d*) The place within Ontario where the head office of the company is to be located;

(*e*) The amount of the capital stock, number of shares, and the amount of each share;

(*f*) The name in full, the place of residence and the calling of each of the applicants; and

(*g*) The names of the applicants, not less than five, each being a subscriber for shares to the amount of not less than $1,000, who are to be the first directors of the company. R.S.O. 1897, c. 203, s. 3 (3), *amended.*

Delivery of application and material.

(4) The applicants shall deliver to the Superintendent the application for incorporation, and proof that notice thereof has been duly given, and proof of payment of the prescribed fees, and shall also deliver to him for his approval copies of the proposed by-laws of the company, which so far as approved by him shall be the by-laws of the company until repealed, altered or amended under the authority of this Act. R.S.O. 1897, c. 203, s. 3 (4), *amended.*

Form of letters patent under section 3.

**10.** The Letters Patent shall be expressed to take effect on the day of the date of the initial license issued to the company, and notice of the granting of the Letters Patent shall be given forthwith by the Superintendent in the *Ontario Gazette.* R.S.O. 1897, c. 203, s. 4, *amended.*

Directors.

**11.**—(1) The affairs of the company shall be managed by a board of not less than five nor more than fifteen directors. R.S.O. 1897, c. 203, s. 5 (1).

First directors.

(2) The persons named in the Letters Patent as the first directors of the company shall be the directors of the company until replaced by others duly elected or appointed in their stead. R.S.O. 1897, c. 203, s. 5 (2). *Amended.*

(3)

(3) The first directors shall in the manner provided in section 125, call a general meeting of the shareholders of the company for the election of directors and otherwise for dealing with the business of the company within two months after the incorporation of the company. (*New*). First general meeting.

(4) The succeeding directors shall be elected by the shareholders in general meeting, at such times, in such manner, and for such term, not exceeding two years, as the by-laws of the company may prescribe. R.S.O. 1897, c. 203, s. 5 (3). *Amended.* Subsequent directors.

(5) No person other than a first director shall hold office as a director unless he is a shareholder absolutely in his own right, and not in arrear in respect of any call thereon, of shares of the capital stock of the company to the amount of not less than $1,000, and where a person who is a director ceases to be such a shareholder he shall thereupon cease to be a director. 3 Edw. VII. c. 15, s. 1. *Amended.* Qualification.

(6) Notice of meetings of the company shall be given in the manner prescribed by section 127. (*See* 3 Edw. VII. c. 15, s. 1.) Notice of meetings of company.

**12**. Sections 121 and 126 shall apply to joint stock companies. Application of ss. 121 and 126.

CAPITAL STOCK.

**13**.—(1) If the company undertakes fire, or fire and inland marine or accident, or life, or life and accident, or sickness and accident insurance, or undertakes guarantee, or suretyship insurance, the authorized capital stock shall be not less than $500,000. R.S.O. 1897, c. 203, s. 6 (1). (*a*) *part.* Capital stock. When to be not less than $500,000.

(2) If the company undertakes live-stock insurance, with or without insurance on vehicles, the authorized capital stock shall be not less than $300,000. R.S.O. 1897, c. 203, s. 6 (1) (*b*) *part.* When to be not less than $300,000.

(3) If the company undertakes insurance other than that mentioned in the preceding subsections against loss or damage to property from any accidental causes, including boiler and other explosions or by reason of theft, house-breaking or burglary, the authorized capital stock shall be not less than $100,000. R.S.O. 1897, c. 203, s. 6 (1), (*c*) *part.* When to be not less than $100,000.

(4) If the company undertakes bicycle or vehicle insurance, or plate glass insurance, the authorized capital stock shall be not less than $25,000. R.S.O. 1897, c. 203, s. 6 (1), (*d*) *amended.* When to be not less than $25,000.

(5)

Amount of shares.

(5) The capital stock shall be divided into shares of $100 each. 2 Edw. VII. c. 12, s. 22 (4). *Part amended.*

Money paid before organization.

(6) No money paid on account of shares before the first general meeting of the company has been organized shall be withdrawn or paid over to the company until after such meeting has been organized, and the election of directors thereat.

Increase of capital stock.

(7) A company may with the assent of the Lieutenant-Governor in Council increase its capital stock to such an amount as he may deem expedient.

Notice of application for increase.

(8) Notice of any application under subsection 7 shall be published in at least four consecutive issues of the *Ontario Gazette.*

REVOCATION OF LETTERS PATENT.

Revocation, etc., of Letters Patent.

**14.** The Letters Patent and any Supplementary Letters Patent amending or varying the same, may at any time be declared to be forfeited and may be revoked and made void by the Lieutenant-Governor in Council on sufficient cause being shown in that behalf and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as he may deem proper.

FORMATION AND INCORPORATION OF MUTUAL FIRE INSURANCE COMPANIES.

Meeting to establish company, how called.

**15.** Where it appears to the Minister that there is in any municipality no adequate provision for insurance of farm and non-hazardous property on the mutual plan against fire, the Minister may certify that fact, and thereupon ten freeholders in the municipality may call a meeting of the freeholders thereof to consider whether it is expedient to establish therein a fire insurance company upon the mutual plan. R.S.O. 1897, c. 203, s. 8; 2 Edw. VII. c. 12, s. 22 (1). *Amended.*

Advertisement calling meeting.

**16.** The meeting shall be called by advertisement, stating the time, place and object of the meeting; and the advertisement shall be published once in the *Ontario Gazette*, and once a week for three successive weeks in a newspaper published in the county or district in which the municipality is situate. R.S.O. 1897, c. 203, s. 9.

Subscription book.

**17.** If thirty freeholders are present at the meeting and a majority of them determine that it is expedient to establish

a mutual fire insurance company, they may elect from among themselves three persons to open and keep a subscription book, in which owners of real or personal property within Ontario may sign their names, and enter the sum for which they shall respectively bind themselves to effect insurance with the company. R.S.O. 1897, c. 203, s. 10. *Amended.*

When meeting may be called.

**18.** When one hundred or more of such owners have signed their names in the subscription book and bound themselves to effect insurance in the company amounting in the aggregate to not less than $250,000, a meeting shall be called as hereinafter provided. R.S.O. 1897, c. 203, s. 11; 2 Edw. VII. c. 12, s. 22 (2). *Amended.*

How meeting to be called.

**19.**—(1) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed company at such time and place within the municipality as they may determine by sending a printed notice by mail, addressed to every subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper published in the county or district in which the municipality is situate.

Contents of notice.

(2) The notice and advertisement shall state the object of the meeting, and the time and place at which it is to be held. R.S.O. 1897, c. 203, s. 12. *Amended.*

Election of directors.

**20.**—(1) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual," shall be adopted, a secretary, *ad interim* appointed, a board of directors elected as hereinafter provided and some central and generally accessible place within the municipality, or within a municipality adjacent thereto, named at which the head office of the company shall be located.

Quorum of meeting.

(2) The presence of at least twenty-five of the subscribers shall be necessary to constitute a valid meeting. R.S.O. 1897, c. 203, s. 13 (1-2). *Amended.*

Meeting of directors to elect president and officers.

(3) As soon as convenient after the meeting, the secretary *ad interim* shall call a meeting of the board of directors, for the election from among themselves of a president and vice-president, for the appointment of a secretary and a treasurer or a secretary-treasurer or a manager and the transaction of such other business as may be brought before the meeting. R.S.O. 1897, c. 203, s. 16.

**21.**—(1) Thereupon there shall be delivered to the Superintendent, certified as correct under the hands of the chairman and secretary:

Certain documents to be delivered.

(*a*) A copy of the minutes of the meetings including all resolutions respecting the objects of the proposed company, its name or style, and the location of its head office;

(*b*) A copy of the subscription book;

(*c*) A list showing the names and addresses of the directors elected and of the officers appointed.

Production of originals.

(2) There shall also, for verification, be produced to the Superintendent the originals of such documents. *New.* *See* R.S.O. 1897, c. 203, s. 17.

Superintendent to ascertain correctness of proceedings.

**22.** Upon the receipt by the Superintendent of the documents mentioned in section 21, he shall ascertain and determine whether the proceedings for the incorporation of the company have been taken in accordance with the provisions of this Act, and whether the subscriptions are *bona fide,* and by persons possessing property to insure, and whether the proposed name is the same as that of any existing company, or may be easily confounded therewith, or is otherwise objectionable. R.S.O. 1897, c. 203, s. 18. *Amended.*

Verification of documents, etc.

**23.**—(1) If the Superintendent determines that the provisions of this Act have been complied with and that there is no reason why the company should not be incorporated, he shall so report to the Minister. *New.* (*See* R.S.O. 1897, c. 203, s. 19, *first part.*)

Certificate of incorporation.

(2) Upon receipt of the report, the Minister under his hand and seal of office may issue a certificate of incorporation in as many original parts as may be required, one of which shall be filed and recorded in the office of the Provincial Registrar. *New.*

Incorporation and registration.

(3) From the time of the filing of the certificate the proposed company shall become a corporation and the members of the corporation shall be the persons who for the time being are insured therein on the premium note plan, and so long as the company remains duly registered under the pro-

visions

visions of this Act it shall be capable of undertaking in Ontario fire insurance on the mutual plan in the terms of its license. *New.* (*See* R.S.O. 1897, c. 203, s. 15.)

License

**24**. After the filing of the certificate the Minister may issue a license to the company to transact the kind of business specified therein for a term, not exceeding twelve months from the date of issue; and such license may from time to time be renewed for a like term. R.S.O. 1897, c. 203, s. 19, *last part amended.*

SHARE OR STOCK CAPITAL IN CASH-MUTUAL FIRE INSURANCE COMPANIES; CONVERSION OF CASH-MUTUAL INTO JOINT STOCK COMPANIES.

Cash-mutual company not to be incorporated.

**25**. No cash-mutual insurance company shall hereafter be incorporated. *New.*

Application of ss. 27-32 to present cash-mutual companies.

**26**. Sections 27 to 32 shall apply only to cash-mutual fire insurance companies licensed and registered at the time of the passing of this Act. *New.*

Increasing share capital.

**27**.—(1) A cash-mutual insurance company which now has a share or stock capital, with the assent of the Lieutenant-Governor in Council, may from time to time increase its share or stock capital to such an amount as he may deem expedient.

Notice of application.

(2) Notice of any application to the Lieutenant-Governor in Council under this section shall be published in at least four consecutive issues of the *Ontario Gazette*. R.S.O. 1897, c. 203, s. 20. *Amended.*

Subscribers to become shareholders of company.

**28**. Every subscriber to such share capital shall, on allotment of one or more shares, become a shareholder of the company. R.S.O. 1897, c. 203, s. 21. *Amended.*

Insurance on cash plan not to constitute membership.

**29**. No insurance on the wholly cash plan shall make the insured a member of the company, or liable to contribute or pay any sum to the company, or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to participate in the profits or surplus funds of the company. R.S.O. 1897, c. 203, s. 24. *Amended.*

Dividends

**30**. The net annual profits and gains of the company not including therein any premium notes or undertakings shall be applied, in the first place, to pay a dividend on the share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company. R.S.O. 1897, c. 203, s. 25.

**31**.

When company with surplus assets may become a joint stock company.

**31.**—(1) A company which has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks, may be formed into a joint stock company in the manner provided by section 9, upon making application as provided by that section.

Approval of members and shareholders.

(2) The application shall not be made until approved by the members by a vote representing at least two-thirds of the amount of the unexpired risks, and if the company has share capital, by two-thirds in value of the shareholders, at an annual general meeting or at a special general meeting, and by three-fourths in number of the directors of the company in writing signed by them.

Notice of application.

(3) Notice of the intention to make the application and of the consideration thereof at such meeting shall be given by advertisement in the *Ontario Gazette* and in a newspaper published in the county or district in which the head office of the company is situate, at least once a week for four successive weeks before the holding of the meeting.

Priority of members in subscribing to stock.

(4) Every person who is a member of the company on the day of the meeting shall be entitled to priority in subscribing to the capital stock of the company for one month after the opening of the books of subscription, in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. (*See* R.S.O. 1897, c. 203, s. 28.)

New company to be answerable for liabilities of former company.

**32.** Any company formed under the provisions of the next preceding section shall be answerable for all liabilities of the company from which it has been formed, and may sue and be sued under its new corporate name, and the assets and property of the old company shall be vested in the new company from the date of its formation. R.S.O. 1897, c. 203, s. 29. *Amended.*

INCORPORATION OF FRIENDLY SOCIETIES.

No corporation created after 10th March, 1890, under R.S.O., 1887, c. 172, or under R.S.O., 1897, c. 211, to undertake insurance.

**33.**—(1) No company, society, association or organization incorporated after the tenth day of March, 1890, under Chapter 172 of The Revised Statutes of Ontario, 1887, or under Chapter 211 of The Revised Statutes of Ontario, 1897, shall undertake or effect or agree or offer to undertake or effect any contract of insurance within the meaning of section 2.

Penalty.

(2) Any person who acts or purports to act for any such corporation in any such contract or offer shall be guilty of an offence against this Act. R.S.O. 1897, c. 203, s. 30 (1). *Amended.*

(3)

(3) Neither the repeal by *The Ontario Companies Act* of the Acts mentioned in subsection 1, nor anything in this Act shall impair or affect the corporate existence, rights and powers of a friendly society incorporated under either of those Acts which is registered under this Act nor the rights and privileges of the members thereof or their beneficiaries. Existing rights, etc., of friendly societies preserved.

**34.**—(1) If it appears to the Lieutenant-Governor in Council that any body incorporated under the enactments referred to in section 33 exists or is using its corporate powers for any fraudulent or unlawful purpose, the Lieutenant-Governor in Council may suspend for a limited period, or revoke its corporate powers, and on any revocation the corporate powers shall *ipso facto* absolutely cease and determine except for the sole purpose of winding up its affairs in the manner provided in section 46. Unlawful use of corporate powers.

(2) Notice of any such suspension or revocation shall be published in the *Ontario Gazette,* and also elsewhere if the Lieutenant-Governor in Council so directs. Notice of revocation or suspension.

(3) If during the suspension, or after the revocation of its corporate powers, any director, officer, agent, employee, or other person acting or purporting to act on behalf of the corporation, undertakes any contract of insurance, he shall be guilty of an offence against this Act. R.S.O. 1897, c. 203, s. 32. *Amended.* Penalty for undertaking insurance during suspension or after revocation.

**35.** On an application to the Registrar for incorporation as a friendly society under sections 36 to 41, the applicants shall be required to shew to his satisfaction the necessity for the society proposed to be incorporated, and that the granting of the application would not be contrary to the public interest. 4 Edw. VII., c. 15, s. 1. Applicant to show necessity for incorporation.

**36.**—(1) Where a friendly society, registered under this Act, has its head office elsewhere than in Ontario, the Grand or other Provincial body, or the lodges or a majority of the lodges in Ontario may file with the Registrar an application for incorporation under this Act, setting forth the reasons for seeking incorporation, the proposed corporate name, and head office, and the purposes and rules of the society, and naming the persons who are to be its first trustees or managing officers, and stating the mode in which their successors are to be elected; and shall furnish such other information as the Registrar may require. Foreign friendly societies; incorporation of Provincial body.

(2)

Hearing of applications and notice

(2) Upon due application made the Registrar may name a day for the hearing of the application, and such notice of the hearing shall be published in the *Ontario Gazette* and otherwise as the Registrar directs. R.S.O. 1897, c. 203, s. 33 (1-2). *Amended.*

Certificate of incorporation

(3) If, upon the hearing, it appears to the Registrar that such incorporation ought to be granted, he shall certify in duplicate, or in as many parts as may be required, under his hand and the seal of his office, that he finds the persons mentioned therein entitled to incorporation under the name and for the purposes specified in the certificate.

Filing of certificate.

(4) One of the original parts of the certificate shall be filed in the office of the Provincial Registrar, together with such other documents as the Registrar by his certificate requires to be filed; and from the day of such filing the persons mentioned in the certificate and their associates and successors shall be a corporation. R.S.O. 1897, c. 203, s. 33 (4).

Incorporation of auxiliary bodies.

**37**. Where in the opinion of the Registrar it is necessary or expedient that an auxiliary, or local or subordinate body or branch of a registered society should be separately incorporated, or separately registered, or both, or that two or more societies should be incorporated or registered as one society, the Registrar may direct the like proceedings to be taken as in the next preceding section mentioned, and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as therein provided. R.S.O. 1897, c. 203, s. 34. *Amended.*

Registration.

**38**. Any unincorporated lodge or body controlled by a registered society, and operated under uniform rules prescribed by the society, and not contrary to law, may,

Incorporation of subordinate lodges.

through the society, make application to the Registrar for incorporation; and if it appears to him that incorporation ought to be granted, he may certify the same under his hand and the seal of his office; and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as provided by section 36. R.S.O. 1897, c. 203, s. 35. *Amended.*

Incorporation of officers of superannuation or benefit funds.

**39**. The officers of any superannuation or benefit fund authorized by law may in the manner and by the proceedings mentioned in section 36, become incorporated. R.S.O. 1897, c. 203, s. 36. *Amended.*

Incorporation of trade unions and wage-earners societies.

**40**. Upon like proceedings and in the manner provided by section 36, incorporation may be granted:—

(*a*) Where a trade union purposes to undertake contracts with its own members exclusively, for any of the insurance benefits enumerated in and not prohibited by clause *c* of section 76, or contracts to furnish tools or to pay unemployed or superannuation benefits to the members;

(*b*) Where any organization of persons resident in Ontario, consisting of not less than seventy-five members and managed and operated as a friendly society under rules conforming to this Act purposes to contract with its own members exclusively for sick benefits, not exceeding six dollars per week and a funeral benefit of not more than one hundred and fifty dollars, or either of such benefits. R.S.O. 1897, c. 203, s. 38 (1). *Amended.*

Revocation of warrant to subordinate lodge.

**41**.—(1) If a registered friendly society revokes the warrant or charter under which a subordinate branch or lodge is operated in Ontario, whether such branch or lodge is incorporated or not, such revocation shall be certified in duplicate by the presiding officer and the secretary of the society under the seal thereof and one of the duplicates shall be filed with the Registrar and the other with the Provincial Registrar.

Dissolution of subordinate lodge.

(2) The certificate from the filing thereof in the office of the Provincial Registrar, shall, *ipso facto*, operate to dissolve the subordinate branch or lodge, and to vest its property, assets, funds and effects in the presiding officer and the secretary of the society and their successors in office, as trustees for the creditors and persons beneficially entitled; and the surplus (if any) after the liabilities are satisfied, shall vest in the society. R.S.O. 1897, c. 203, s. 183 (7). *Amended.*

Merger of prior incorporation.

**42**. Where any society, association, union, organization or lodge already incorporated, becomes incorporated under this Act, the prior incorporation shall be merged in and superseded by the later incorporation. R.S.O. 1897, c. 203, s. 39.

Amalgamation of lodges.

**43**. A registered friendly society organized on the lodge plan may by general or special by-law, provide for the method by which two or more of its subordinate branches or lodges may be amalgamated and the transfer of the liabilities and assets to the new or continuing branch or lodge may be effected. R.S.O. 1897, c. 203, s. 183 (8). *Amended.*

PROVISIONS APPLICABLE TO ALL PROVINCIAL INSURANCE CORPORATIONS.

(*See* R.S.O. 1897, c. 203, s. 73, and *The Insurance Act, 1910* (Canada), s. 6.)

Lien on shares for unpaid calls or debts.

**44.**—(1) The company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company, and for any obligation held by the company against him.

Sale of shares to pay calls or debts.

(2) After any call, debt or obligation becomes due, the company may, upon one month's notice to the shareholder, his executors or administrators, sell his shares, or a sufficient number of them, to pay the call, debt or obligation, and may transfer the shares so sold to the purchaser. R.S.O. 1897, c. 203, s. 22.

Changing name or head office.

**45.**—(1) The name of a corporation or the location of its head office may, with the approval of the Lieutenant-Governor in Council, be changed.

When change of name forbidden.

(2) The change of name shall not be made unless the Lieutenant-Governor in Council is satisfied that the company is solvent, and that the change desired is not for any improper purpose and is not otherwise objectionable.

Notice of change.

(3) Notice of any such change shall be published in the *Ontario Gazette* and otherwise as the Superintendent directs. R.S.O. 1897, c. 203, s. 40 (2), (3). *Amended.*

FORFEITURE OF CORPORATE POWERS OF COMPANIES.

Corporate power forfeited by non-user or discontinuance of business; or suspension or cancellation of license.

Except for winding up.

which may be limited by judgment or order.

Receiver.

**46.**—(1) If a company incorporated under the law of Ontario, whether under this Act or under any general or special Act, does not go into actual *bona fide* operation within two years after incorporation; or if, after a company has undertaken contracts, such company discontinues business for one year, or if its license remains suspended for one year, or is terminated otherwise than by effluxion of time and is not renewed within the period of sixty days, the company's corporate powers shall *ipso facto* cease and determine, except for the sole purpose of winding up its affairs; and in any action or proceeding where such non-user is alleged, proof of user shall be upon the company, and the High Court, upon the petition of the Attorney-General, or of any person interested, may limit the time within which the company shall settle and close its accounts, and may for that purpose, or for the purpose of liquidation generally, appoint a receiver. R.S.O. 1897, c. 203, s. 7. *Amended.*

(2)

(2) No such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of the forfeiture. *New.* Rights of creditors preserved.

GOVERNMENT DEPOSITS.

**47.**—(1) Except mutual fire insurance companies licensed only for the insurance of farm buildings and of isolated risks (other than mercantile and manufacturing risks) and mutual live stock and mutual weather insurance companies, every company applying for a license to transact insurance shall, before the issue or the renewal of the license, or of registry, lodge with the Minister the prescribed deposit, which shall be made in deposit receipts of chartered banks of Canada, or in the stock or bonds of the Dominion of Canada or of Ontario, or in deposit receipts or terminable debentures of any corporation in the obligations of which trustees may under *The Trustee Act* invest trust moneys, and the title to such deposit shall vest in the Minister. Certain corporations to make deposits in cash or in certain securities. 1 Geo. V. c. 26.

(2) This section in so far as it alters the amount of the deposit required before the 13th day of April, 1897, shall not apply to such companies as before that date made their annual report to the Department. Application of section.

(3) The initial deposit to be made by any corporation liable to make deposit before the original or initial registry shall be the sum prescribed by subsection 5. Initial deposits.

(4) Before the annual renewal of registry the amount of deposit required shall on or before the first day of July in each year be re-adjusted in accordance with the provisions of the next following two subsections. Renewal deposits.

(5) If on the next preceding 31st day of December the corporation's total contingent liability or amount at risk does not exceed $2,000,000, Deposit for contingent liability of $2,000,000 and under.

(*a*) Every joint stock fire or fire and inland marine insurance company, and every life or life and accident insurance company, and every guarantee and surety company shall keep on deposit, if a Provincial or Canadian company, $25,000, and if a foreign company, $50,000.

(*b*) Every accident, or sickness and accident insurance company, if a Provincial or Canadian company, shall keep on deposit $20,000, and if a foreign company, $40,000.

(*c*)

(*c*) Every Provincial mutual fire, or Provincial fire and inland marine insurance company, insuring mercantile and manufacturing risks, shall keep on deposit $10,000, and every Provincial cash mutual fire insurance company, $10,000.

(*d*) Every live stock insurance company having share capital shall keep on deposit, if a Provincial or Canadian Company, $10,000, and if a foreign joint stock company, $25,000.

(*e*) Every insurance company mentioned in subsection 3 of section 13 shall keep on deposit, if a Provincial or Canadian company, $10,000, and if a foreign company, $20,000.

(*f*) Every insurance company mentioned in subsection 4 of section 13 shall keep on deposit, if a Provincial or Canadian company, $5,000, and if a foreign company, $10,000.

(*g*) Every foreign insurance company doing only the business of re-insuring fire risks undertaken by companies registered under this Act shall keep on deposit, $10,000.

(*h*) Every friendly society not being a Provincial corporation mentioned in section 72 shall keep on deposit $5,000. R.S.O. 1897, c. 203, s. 41 (1-4). *Amended.*

Additional deposit for each additional million or fraction.

(6) If on the preceding 31st day of December in any year the corporation's total contingent liability, or the amount of insurance in force, whether such insurance was undertaken directly or by way of re-insurance, exceeds $2,000,000, then for each additional $1,000,000, or fraction thereof, the corporations enumerated in the next preceding subsection shall respectively keep on deposit, by way of additional security, a sum equal to one-tenth of the initial deposit, and the additional deposit shall be in the securities mentioned in subsection 1. R.S.O. 1897, c. 203, s. 41 (5); 1 Edw. VII. c. 21, s. 2 (1). *Amended.*

Additional deposit.

(7) Where the total amount of a company's deposit under this section amounts to twice the initial deposit then for each additional $1,000,000 or fraction thereof at risk, each further addition to the deposit shall be one twenty-fifth of the initial deposit. *New.*

(8)

(8) Where the company fails to keep its deposit unimpaired as required by this section its license may be suspended or cancelled. *New.* Suspension or cancellation of license for not maintaining deposit.

**48.** An insurance company may voluntarily make a deposit in excess of the amount prescribed by section 47, but no part of a voluntary deposit shall be withdrawn without the sanction of the Minister. R.S.O. 1897, c. 203, s. 43. *Part amended.* Voluntary deposits. Withdrawal.

**49.**—(1) Securities of the Dominion of Canada, or of any of the Provinces of Canada, shall be accepted at their market value at the time when they are deposited. Value at which certain securities received.

(2) The other securities shall be accepted at such valuation and on such conditions as the Minister may direct. Value at which other securities received.

(3) The Superintendent shall under the name of each corporation keep a record of the securities deposited on its account, naming in detail the several securities, their par value, and the value at which they were received as deposit. Record of securities.

(4) Where the market value of any of the securities deposited declines below the value at which they were deposited, the Minister may, from time to time, require the corporation to make a further deposit, so that the market value of all the securities deposited by it shall be equal to the prescribed amount. R.S.O. 1897, c. 203, s. 42 (1-3). Requiring further deposit on decline of market value.

(5) Every security, obligation or covenant, or interest in real or personal property, given, transferred to, made with, or vested in the Minister, by virtue of his office, shall, without any formal transfer, from time to time vest in the Minister for the time being. R.S.O. 1897, c. 203, s. 42 (4), *first part.* Securities, etc., vested in the Minister for time being.

(6) Where a corporation desires to substitute other securities of the class of those mentioned in section 47 for securities deposited with the Minister, he may permit the substitution to be made. R.S.O. 1897, c. 203, s. 42 (7). Changing securities deposited

**50.**—(1) A deposit of any amount not less than $5,000 may, with the consent of the Minister, be made by any registered Provincial friendly society; but no part of such deposit shall be withdrawn without the sanction of the Minister. R.S.O. 1897, c. 20, s. 43 (1); 3 Edw. VII., c. 15, s. 2 (1). *First part and (2) amended.* Voluntary deposits by friendly societies.

(2)

Deposits by Provincial friendly societies

(2) Sections 51 to 61 shall not apply to registered Provincial friendly societies: provided that in the case of a registered Provincial friendly society any deposit made under this Act shall not make any unmatured policy or contract of insurance a liability against the society while a going society, or against the estate of the society in a winding up or liquidation under this Act; but in such winding up or liquidation the persons assured under such unmatured policies or contracts shall be entitled to share in the surplus assets of the society as provided in subsections 8 and 9 of section 206, or subsection 7 of section 219, as the case may be. 1 Edw. VII. c. 21, s. 2.

Withdrawal of excess

**51**. If at any time it appears that a company has on deposit with the Minister a sum in excess of the prescribed amount, the Lieutenant-Governor in Council, upon being satisfied that the interest of the company's Provincial policyholders will not be prejudiced thereby, and upon the giving of such notice, and the taking of such other precautions as he may deem expedient, may authorize the withdrawal of the amount of such excess or such portion thereof as he deems advisable; but such withdrawal may be authorized without the giving of any notice. *New.* (*See The Insurance Act, 1910* (*Dom.*), s. 18.)

Withdrawal of deposit where company licensed by Dominion.

**52**. A company carrying on its business under license from the Dominion of Canada may, with the sanction of the Lieutenant-Governor in Council, withdraw its deposit. R.S.O. 1897, c. 203, s. 44. *Last part amended.*

Any deficiency of security to be made good, or license forfeited.

**53**. If from the annual statements, or the examination of the affairs and condition of a company, it appears in the case of a life insurance company that its policy reserves and in the case of any other company that its unearned premiums in both cases in respect to risks outstanding in Ontario, together with any other liabilities in Ontario, exceed its assets in Ontario (including the deposit in the hands of the Minister), the company shall forthwith make good the deficiency, and on failure so to do its license may be suspended or cancelled, and in case of cancellation, if a Provincial corporation, its corporate powers, except for the purpose of winding up its affairs, as provided by section 46, shall thereupon cease and determine. R.S.O. 1897, c. 203, s. 45. *Amended.*

Revival of suspended license.

**54**. Where the license of a company is suspended or cancelled under the provisions of subsection 8 of section 47 or of section 53, it may be revived if the company makes good the deposit or the deficiency as the case may be to the satisfaction of the Minister. *New.*

Interest on securities to be paid to company.

**55**. So long as the conditions of this Act are satisfied and no notice of any final judgment against the company or order for its winding up or the distribution of its assets is given to the Minister, the company shall be entitled to receive the interest upon the securities forming the deposit. R.S.O. 1897, c. 203, s. 46. *Amended.* (*See The Insurance Act, 1910* (*Dom.*), s. 21.)

Licenses forfeited by non-payment of claims.

**56**.—(1) Where an undisputed claim arising from loss insured against in Ontario remains unpaid for sixty days after having become payable, or a disputed claim after final judgment in Ontario and tender of a valid discharge remains unpaid, and written notice of such non-payment has been given to the Superintendent, the license of the company may be suspended or cancelled.

Revivor of license after default.

(2) In case of suspension under this section the license may be revived, and the company may again transact business, if within sixty days after notice to the Superintendent of the company's default such claim or judgment is satisfied. R.S.O. 1897, c. 203, s. 47. *Amended.*

Administration of deposit.

(3) Where the company fails to pay any such undisputed claim within sixty days after it has become payable, or to pay any such judgment after tender of a valid discharge, the company's deposit may be administered in the High Court. R.S.O. 1897, c. 203, s. 49 (1). *Part amended.*

Notice of application for administration.

(4) At least ten days' notice of the application for administration, stating the ground of it, shall be served upon the company and upon the Superintendent. R.S.O. 1897, c. 203, s. 50 (1). *Amended.*

When notice may be given.

(5) Where the claim accrues on the occurrence of any event and is by the terms of the contract of insurance payable on proof of such occurrence, without any stipulated delay, the notice shall not be given until after the lapse of sixty days from the time when the claim became payable. R.S.O. 1897, c. 203, s. 49 (2).

Government deposit security for certain contracts only.

**57**.—(1) The deposit shall be subject to administration only in respect of contracts of insurance which have for their subject property in Ontario, or the life, safety, health, fidelity or insurable interest of a resident of Ontario, or where the contract makes the payment thereunder primarily payable to a resident of Ontario. R.S.O. 1897, c. 203, s. 48.

Application of deposits in case of administration.

(2) In case of administration, the whole deposit, after the costs of administration have been provided for, shall be assets for the holders of such contracts, whose rights as among themselves shall be determined as provided by subsections 4 to 6 of section 219. R.S.O. 1897, c. 203, s. 49 (1). *Part.*

Administration proceedings.

**58**. When an order for administration is made the company shall thereby become unregistered. R.S.O. 1897, c. 203, s. 50 (2). *Part.*

In case of Provincial company.

**59**. In the case of a Provincial company, the winding up shall be deemed to have commenced under section 213 from the date of the administration order. R.S.O. 1897, c. 203, s. 50 (2). *Part.*

In case of extra Provincial company.

**60**. In the case of a company not being a Provincial company, upon the application of any person interested in the administration or of the Superintendent, the Master shall appoint an administrator, and in respect of the administration the Master shall have the like powers and duties as a receiver under this Act. R.S.O. 1897, c. 203, s. 50 (2).

Return of deposit on ceasing to do business.

**61**.—(1) A company which has ceased to transact business in Ontario and desires to obtain a return of its deposit may give written notice to that effect to the Superintendent, and shall publish in the *Ontario Gazette* a notice that it has applied to the Lieutenant-Governor in Council for the return of its deposit, calling upon all claimants, contingent or actual, who object to the return to file their objections with the Superintendent on or before a day named in the notice which shall not be less than three months after the first publication of it.

Filing list of outstanding contracts.

(2) Upon giving the notice to the Superintendent the company shall file with him a list of all its outstanding contracts of insurance including contracts in respect of which claims have accrued.

Return of deposit on proof of discharge of contracts.

(3) After the day named in the notice, if the Minister is satisfied that the company has obtained a discharge of all such outstanding contracts, the Lieutenant-Governor in Council may direct that the deposit be returned.

Retaining balance to meet undischarged contracts.

(4) If the Minister is not satisfied that all such contracts have been discharged, the Lieutenant-Governor in Council may direct that a sufficient amount be retained to meet the contracts unprovided for and that the remainder of the deposit be returned, and thereafter from time to time as such contracts lapse or proof is adduced that they have been satis-

fied,

fied, further return of the deposit may be directed by the Lieutenant-Governor in Council. R.S.O. 1897, c. 203, ss. 51, 52. *Amended.*

LICENSING OF INSURANCE COMPANIES.

License, when required.

**62.**—(1) All insurance companies other than those mentioned in sections 69 to 75, before being registered shall obtain a license from the Minister. R.S.O. 1897, c. 203, s. 53 (1). *Amended.*

Application, proof required of subscription and payment.

(2) Before applying for license the company shall furnish to the Superintendent satisfactory evidence:—

(*a*) Where the company undertakes fire, or fire and inland marine, or accident, or life, or life and accident, or sickness and accident insurance, or undertakes guarantee or suretyship insurance, that of the capital stock not less than $300,000 has been *bona fide* subscribed, and that $30,000 has been paid thereon;

(*b*) Where the company undertakes live stock insurance with or without insurance on vehicles, that of the capital stock not less than $150,000 has been *bona fide* subscribed, and that $15,000 has been paid thereon;

(*c*) Where the company undertakes bicycle or vehicle insurance, or plate glass insurance, that of the capital stock not less than $12,000 has been *bona fide* subscribed, and that $6,000 has been paid thereon;

(*d*) Where the company undertakes insurance other than as mentioned in the preceding paragraphs against any loss of or damage to property from accidental causes including boiler or other explosions, or by reason of theft, housebreaking or burglary, that of the capital stock not less than $60,000 has been bona fide subscribed, and that $11,000 has been paid thereon;

(*e*) That the amount paid on the subscribed stock has been actually and *bona fide* paid by the respective persons by whom the stock was subscribed;

(*f*) That the payments have been made into a chartered bank of Canada to the credit of a named trustee for the company approved by the Superintendent at some office of such bank in Ontario. R.S.O. 1897, c. 203, s. 6, pars. 1-4. *Amended.*

(3)

Documents to be filed.

(3) Every applicant for license shall file with the Superintendent the documents mentioned in sections 9 and 21, and also the documents required of an applicant for registry; and shall before being licensed make the prescribed deposit.

When license shall issue.

(4) As soon as the company has made the prescribed deposit, and has otherwise complied with the requirements of this Act, the Minister may issue the license.

Form of license.

(5) The license shall be in such form as may be determined by the Minister, and shall specify the business to be carried on by the company; and shall expire on the thirtieth day of June in each year, but shall be renewable from year to year.

Supplementary licenses.

(6) Where a company desires to extend its business to some other branch of insurance, and has complied with the law in respect of additional deposit and otherwise, the Minister may on the report of the Superintendent issue a supplementary license authorizing the company to undertake such other branch of insurance business.

Record of licenses.

(7) A record of the licenses and supplementary licenses shall be kept in the office of the Superintendent. R.S.O. 1897, c. 203, s. 53 (2-6).

Supplementary licenses subject to same provisions as licenses.

**63**. The provisions herein enacted as to the continuance, renewal, suspension and cancellation of licenses shall apply to supplementary licenses. R.S.O. 1897, c. 203, s. 53 (7).

Not to be granted for both fire and life insurance.

**64**. A license shall not be granted to a company for the transaction of both fire and life insurance. *New.*

Foreign company. Proof required before license.

**65**. A company incorporated elsewhere than in Canada shall not be licensed unless it shows to the satisfaction of the Minister that it has carried on successfully for a period of at least five years the business for which a license is applied for. *New.*

REGISTRATION OF INSURANCE CORPORATIONS.

Two registers to be kept.

**66**. There shall be kept in the Department,

Insurance company register.

(*a*) A Register to be called "The Insurance Company Register," in which shall be registered the corporations mentioned in sections 68, 69, 70 and 71.

(*b*)

(*b*) A Register to be called "The Friendly Society Register," in which shall be registered the friendly societies authorized by certificate to undertake insurance contracts. R.S.O. 1897, c. 203, s. 55. *Amended.* Friendly society register.

**67**. The duty of determining and distinguishing those corporations which are required to be registered and are entitled to registry, and of granting registry, shall devolve upon the Superintendent subject to appeal as hereinafter provided. R.S.O. 1897, c. 203, s. 56 (1). Powers and duties of the Superintendent.

INSURANCE COMPANY REGISTER: WHAT CORPORATIONS MAY BE REGISTERED.

**68**.—(1) A company shall, on the issue or the renewal of its license, be registered on the Insurance Company Register, without application and without additional charge and before delivery of the license, and the fact of such registration shall be indorsed thereon. Insurance licenses of Ontario, how registered.

(2) Suspension, cancellation or non-renewal of the license shall, *ipso facto*, operate as a suspension or cancellation of registry. R.S.O. 1897, c. 203, s. 58. *Amended.* Suspension or cancellation or non-renewal of Provincial license.

(3) For the purposes of this section the license shall be deemed to be subsisting for thirty days after its expiry by effluxion of time. *New.* License to be subsisting for thirty days after expiry.

**69**.—(1) A company licensed by the Dominion of Canada, upon application and upon proof that its license has been issued may be registered on the Insurance Company Register. R.S.O. 1897, c. 203, s. 59 (1). *Amended.* Dominion licensees, registration of.

(2) Subsection 1 shall not apply to a company which has not made and kept up the deposit required by *The Insurance Act, 1910* (Canada). *New. See* R.S.O. 1897, c. 203, s. 59 (2). When subsection 1 not to apply.

(3) Where a company registered under the provisions of this section contravenes any of the provisions of *The Insurance Act, 1910* (Canada), for which its license may under that Act be suspended or cancelled, such company shall be liable to have its registry under this Act suspended or cancelled. *New. See* R.S.O. 1897, c. 203, s. 59 (3). Cancellation of registry.

Suspension or cancellation by Dominion, effect of

(4) Suspension or cancellation by the Dominion of Canada of the license of any such company shall, *ipso facto,* operate as a suspension or cancellation of registry under this Act.

Reinstatement or withdrawal of suspension

(5) When any such suspension is withdrawn the Superintendent may reinstate the company on the register. R.S.O. 1897, c. 203, s. 59 (4). *Amended.*

Registry of marine insurance companies, etc.

**70**. Companies transacting inland or ocean marine insurance, companies not transacting insurance business in Ontario but investing surplus funds in Ontario and companies mentioned in section 102 of *The Insurance Act, 1910* (Canada), may be admitted to registry. R.S.O. 1897, c. 203, s. 59 (5). *Amended.*

Lloyds, 51 and 52 Vict. (Imp.) c. 23

**71**. Upon due application of any underwriter of the Society known as Lloyds, incorporated by the Imperial Statute, *Lloyds Act, 1871,* or upon due application of any such underwriter's broker or broker's agent, such underwriter, broker or agent may be admitted to registry for the undertaking and transaction of insurance, other than life insurance, and upon such terms and conditions as the Minister may deem expedient. R.S.O. 1897, c. 203, s. 59 (6). *Amended.*

FRIENDLY SOCIETY REGISTERS: WHAT CORPORATIONS MAY BE REGISTERED.

What societies may be registered

**72**. In addition to friendly societies registered as such at the commencement of this Act, the following shall be admissible to registry on the Friendly Society Register:

Societies incorporated under certain sections.

(*a*) A society incorporated under the provisions of sections 36, 37, 39 or 40;

Insurance and benefit societies or funds in connection with sundry corporations.

(*b*) A corporation not otherwise provided for in this Act which has by or under the authority of an Act of the Parliament of Canada, an insurance and provident society or association, or an insurance or guarantee fund in connection with the corporation;

Trade union insurance benefit societies.

(*c*) A trade union in Ontario which, under the authority of its incorporating Act or charter, has an insurance or benefit fund for the benefit of its own members exclusively;

Insurance gratuity fund created by an Act of Canada

(*d*) A corporation which under the authority of an Act of the Parliament of Canada, has created a fund for paying a gratuity on the happening of death, sickness, infirmity, casualty, accident, disability or any change of physical or mental condition;

(*e*)

(*e*) An association of the civil servants or employees of the Dominion of Canada, incorporated by or under the authority of an Act of the Parliament of Canada. R.S.O. 1897, c. 203, s. 60, pars. 1-5. Civil service associations.

**73.**—(1) A friendly society incorporated in another Province of Canada which authorizes friendly societies of Ontario to transact business within its limits on conditions similar to those set forth in this Act, may be admitted to registry. Societies incorporated by other Provinces.

(2) No such society shall be admissible to registry: When not admissible to registry.

(*a*) Unless for five years next preceding its application for registry it has been continuously in actual operation as a solvent corporation of the Province of Canada under the law of which it was incorporated; or

(*b*) If it undertakes insurance, or insurance benefit contracts with persons other than its own members; or

(*c*) If it insures or idemnifies against contingencies other than sickness, disability, or death, or funeral expenses, or if the sum or sums insured on the life of any one person exceed in all $3,000; or

(*d*) If it undertakes endowment insurance, or other endowment contracts, or annuities upon lives, or bond or tontine, or semi-tontine, or marriage aid contracts; or

(*e*) If it has upon its books less than five hundred members in good standing; or

(*f*) If it is in effect the property of its officers or collectors, or of any other person for his own benefit, or is conducted as a mercantile or business enterprise, or for the purpose of mercantile profit; or if its funds are under the control of persons or officers appointed for life and not under that of the assured; or

(*g*) Unless the society provides for its contracts upon lives at least to the extent of collecting from its members premiums not less than those set out in Schedule A, and such further sum as is sufficient to provide for the expenses of management.

Proofs for registry.

(3) On proof that the society is entitled to registry, and on production of the certificate of registry of the proper officer of its own Province, if registry is required by the law of that Province, the society shall be entitled to registry upon making the prescribed deposit. R.S.O. 1897, c. 203, s. 60, par. 6. *Amended.*

Central body for Ontario or representative may be dealt with.

**74.**—(1) Where two or more lodges or branches of a society, though separately incorporated, are under the financial or administrative control of a central governing body in Ontario, or a duly authorized Provincial representative of the society, such governing body if incorporated, or such Provincial representative of the society may, if the Registrar thinks proper be dealt with as the society.

When central for Ontario incorporated.

(2) In the case of a friendly society incorporated elsewhere than in Ontario the central governing or controlling body in Ontario, if incorporated by virtue of the law of Ontario may, if the Registrar thinks proper be dealt with as the society. R.S.O. 1897, c. 203, s. 2, par. 27, cls. *b and c. Amended.*

Trades Unions. Exemptions in certain cases.

**75.** Where a *bona fide* trade union provides by its constitution, by-laws or rules for the assistance, relief or support of its members, the Registrar may, by writing, under his hand and the seal of his office, declare the organization exempt from the operation of this Act; and such declaration shall remain in force until in like manner revoked. R.S.O. 1897, c. 203, s. 60, par. 3, cl. (*a*). *Amended.*

Reservations.

**76.**—(1) The following shall not be entitled to register as a friendly society:—

Corporations requiring insurance licenses.

(*a*) Any corporation mentioned in sections 69, 70, 71, or licensed or required by this Act to be licensed;

Corporations distributing charity or gratuities only.

(*b*) Any corporation, except those mentioned in clause *d* of section 72, having charge of, or managing, or distributing charity, or gratuities, or donations only. R.S.O. 1897, c. 203, s. 62, pars. 1, 2. *Part amended.*

Corporations undertaking other than certain contracts.

(*c*) A corporation which undertakes or offers to undertake contracts of insurance other than with its own members exclusively, or for more than

$3,000 in respect of any one member, or any contracts of insurance with its members other than

(i) Insurance of the person, or

(ii) Contracts for the payment of mortuary or funeral benefits, or

(iii) Old age insurance.

Or any corporation wherein the insured number less than 75; or when the insurance fund is used for trade or commercial or private gain.

(*d*) A corporation in which the persons insured number less than seventy-five, or in which the insurance fund is used for the purposes of a mercantile or business enterprise, or for mercantile profit, or a society formed on the lodge system, the insurance fund of which is held other than as a trust fund for the members insured. R.S.O. 1897, c. 203, s. 62, par. 4. *Amended.*

Society where control of insurance funds is not in members or their elected representatives.

(*e*) A society in which the persons insured do not exercise, either directly or through representatives elected for a term not exceeding three years, effective control over the insurance fund of the society; or in which the officers or other persons having the disposition, control or possession of the insurance fund are elected or appointed for a longer period than three years. R.S.O. 1897, c. 203, s. 63 (1). *Part amended.*

Corporation not formed exclusively for insurance.

(*f*) Any corporation which undertakes contracts of insurance, but is not formed exclusively for that purpose and which does not for the purposes of such contracts keep distinct and separate funds, securities, books and vouchers. (*See* R.S.O. 1897, c. 203, s. 2, par. 27, cl. (*a*).)

Proviso.

(2) Clause *c* shall not apply to contracts guaranteeing the fidelity of officers, servants, or employees of the branches or subdivisions of the corporation, and shall not disentitle to registry a friendly society which before the eleventh day of March, 1890, was *bona fide* transacting exclusively with its members endowment insurance in Ontario, and which has continued so to do up to the date of application for registry. (*See* R.S.O. 1897, c. 203, s. 62, pars. 2-3. *Part.*)

Proviso.

**77.** Where, because of a provision in any of its rules, a society otherwise entitled to registry ought not, in the opinion of the Registrar, to be registered, it shall not be entitled to registry, until it has repealed or amended such rules in accordance with the direction of the Registrar. R.S.O. 1897, c. 203, s. 63 (1), cl. (*a*). *Amended.*

**78.**

Head office of Ontario societies.

**78.** A society incorporated under any Act of this Legislature shall not be entitled to registry, unless its head office is located and maintained in Ontario, and the secretary and treasurer are *bona fide* resident in Ontario. R.S.O. 1897, c. 203, s. 63 (2). *Amended.*

PROCEEDINGS TO REGISTER: DURATION OF REGISTRY.

Application for registry.

**79.** Application for initial registry shall be made according to a form to be supplied by the Superintendent on request, and the applicant shall deliver to the Superintendent at his office the application, duly completed, together with such evidence as the form by its terms requires, and shall furnish such additional information, material and evidence, and if the Superintendent deems it necessary, shall give such public notice of the application as he may direct. R.S.O. 1897, c. 203, s. 64 (1). *Amended.*

In certain cases financial statement to accompany application.

**80.** The applicant, if not a corporation mentioned in sections 70 or 71, shall also deliver to the Superintendent a statement in the form required by him of the financial condition and affairs of the applicant on the 31st day of December then next preceding, or up to its usual balancing day, if such day is not more than twelve months before the delivery of the statement, and such statement shall be signed by the applicants' president and secretary or other proper officers, and shall be verified by their oath. R.S.O. 1897, c. 203, s. 65. *Amended.*

Foreign company to file power of attorney to agent in Ontario.

**81.**—(1) A corporation having its head office elsewhere than in Ontario shall, with its application for initial registry, file with the Superintendent a power of attorney executed in duplicate, appointing a resident of Ontario as its attorney or agent to receive service of notices and of process in all actions and proceedings against the corporation in Ontario, and declaring at what place in Ontario the head office or chief agency is located at which service may be effected. R.S.O. 1897, c. 203, ss. 66 and 68 (1-2). *Amended.*

Services on agent to be good service.

(2) Service upon such attorney or agent or upon an officer or clerk at such head office or chief agency shall be deemed service upon the corporation. *New.*

New power of attorney to be filed on change of attorney or head office.

(3) Upon every change of attorney or agent or of the location of the head office or chief agency in Ontario, or if from any cause the power of attorney filed becomes invalid or ineffectual, notice thereof shall forthwith be given to the Superintendent and a new power of attorney filed in like manner and form. R.S.O. 1897, c. 203, s. 67. *Amended.*

Recording registry; entries on register.

**82.**—(1) The Superintendent shall cause to be entered on the proper register the name of every corporation admitted to registry, the date of registry, the term for which the registry is to endure, the place where the head office is located, the name and address of the chief agent, and the class of insurance for which the corporation is registered.

Entry of suspension, revivor, cancellation, etc.

(2) If during the term the registry is suspended, revived, revoked, or cancelled, the date of and authority for the suspension, revivor, revocation or cancellation shall be entered on the register.

Issue of certificates of registry.

(3) The Superintendent shall issue under his hand and the seal of his office a certificate of registry setting forth that the corporation is registered for the term and for the purposes stated in the certificate. R.S.O. 1897, c. 203, s. 69. *Amended.*

Commencement and end of term of registry.

(4) The term shall begin on the date of registry and shall end not later than the 30th day of June following, but in the case of the corporations mentioned in sections 69, 70 and 71, the term of registry shall end not later than the 30th day of April following the date of registry.

Interim certificate.

**83.** Notwithstanding failure to comply with the provisions of this Act within the prescribed time, the Superintendent may, upon payment of the prescribed fee, grant an interim certificate of registry or extend the currency of a subsisting certificate. R.S.O. 1897, c. 203, s. 72. *Amended.*

PROOF OF REGISTRY AND OF OTHER MATTERS: NOTICE UNDER THE ACT.

Evidence of registry; semi-annual list to be published.

**84.**—(1) The Superintendent shall cause to be published in the *Ontario Gazette*, in July of each year, a list of the corporations which are registered at the date of the list; and shall cause notice of the registry of a corporation not thereto-

fore registered and notice of suspension or cancellation or revivor of registry to be given by publication in the *Ontario Gazette*. R.S.O. 1897, c. 203, s. 74 (1); 3 Edw. VII. c. 15, s. 2 (3). *Amended.*

Certificate as to facts.

(2) A certificate under the hand and seal of office of the Superintendent that on a stated day the corporation or person mentioned therein was or was not registered under this Act, or that any corporation or person was originally admitted to registry, or that the registry of any corporation or person was renewed, suspended, revived, revoked, or cancelled on a stated day, shall be *prima facie* evidence of the facts stated in the certificate. R.S.O. 1897, c. 203, s. 74 (5). *Amended.*

Certificates of Assistant Provincial Registrar.

60 V. c. 36.

(3) A certificate of the filing of any document, by this or by any former Insurance Act required to be filed in the office of the Provincial Registrar or of the Superintendent or Deputy Superintendent shall be *prima facie* evidence of the filing if signed or purporting to be signed by the Deputy or Assistant Provincial Registrar, or by the acting Deputy or Assistant or by the Superintendent or Deputy Superintendent as the case may be. R.S.O. 1897, c. 203, s. 74 (9). *Amended.*

Books, etc. of corporation to be evidence.

(4) The books, accounts and documents of a corporation and the entries in the books of its officers or receiver or liquidator, shall be *prima facie* evidence of the matters to which they relate as against the corporation, or any of its branches, or lodges, and as between any of the branches, or lodges, or their respective members, and as between contributories or alleged contributories, and in a winding up as between an alleged debtor or contributory and the corporation. R.S.O. 1897, c. 203, s. 74 (10). *Amended.*

Notice to corporation under the Act.

**85.**—(1) Subject to Statutory condition 7, delivery of any written notice to a corporation for any of the purposes of this Act, where the mode thereof is not otherwise expressly provided, may be by letter delivered at the chief office of the corporation in Ontario, or sent by registered post addressed to the corporation, its manager or agent at such chief office, or in any other manner to an authorized agent of the corporation. R.S.O. 1897, c. 203, s. 75. *Amended.*

Notice by corporation under the Act.

(2) Subject to Statutory condition 15, any notice given by a corporation for any of the purposes of this Act, when the mode thereof is not otherwise expressly provided, may be

given.

given, in the case of a member or person insured by mailing it to his post office address given in his original application for insurance or otherwise notified in writing to the corporation; and in the case of a shareholder by mailing the notice to his post office address as appearing in the register of shareholders. *New.*

Oaths.

**86**. Any oath required by this Act to be taken may be administered and certified to by the Superintendent or Deputy Superintendent or by any person authorized to administer oaths in Ontario. *New.*

SUSPENSION OR CANCELLATION OF REGISTRY: APPEALS.

Certain events to cancel registry.

**87**.—(1) Upon proof of the happening of any of the following events and after notice to the corporation where the Superintendent deems notice necessary or proper, he may cancel the registry of the corporation:—

(*a*) The repeal or the expiry without renewal of its charter, instrument of association, or deed of settlement, or of its Act of incorporation; or

(*b*) The revocation of its corporate powers; or

(*c*) The cancellation, or the expiry without renewal of the license or other document of authority by which the corporation was authorized to exercise its corporate powers for the transaction of insurance; or

(*d*) The passing of a resolution by the corporation for its winding up; or

(*e*) The making of an order by any Court for the winding up of the corporation.

Certain events to suspend registry.

(2) Upon proof of the happening of any of the following events and after notice to the corporation, where the Superintendent deems notice necessary or proper, he may suspend the registry of the corporation:—

(*a*) The suspension of the license or other document of authority by which the corporation was author-

ized

ized to exercise its corporate powers for the transaction of insurance; or

(*b*) The suspension of the corporate powers of the corporation. R.S.O. 1897, c. 203, s. 76 (1) and (2). *Part amended.*

Suspension or cancellation of registry for fraud, insolvency, etc.

**88.** Upon proof that registry or a certificate of registry was obtained by fraud or mistake, or that a corporation exists or is using its corporate powers for any fraudulent or unlawful purpose, is insolvent or is on the eve of insolvency, or has wilfully contravened any of the provisions of this Act, or has ceased to exist, the registry of the corporation may, after notice to the corporation, where the Superintendent deems notice necessary or proper, be suspended or cancelled, subject to appeal as provided in section 92. R.S.O. 1897, c. 203, s. 79 (1). *Amended.*

When action may be brought under contract.

**89.**—(1) No action shall be brought for the recovery of money payable under a contract of insurance until the expiration of sixty days after proof, in accordance with the provisions of the contract, of the loss or of the happening of the event upon which the insurance money is to become payable or such shorter period as may be prescribed by any enactment regulating the contracts of the corporation or as may be fixed by the contract of insurance. R.S.O. 1897, c. 203, s. 80 (1) and 81 (4).

Beneficiary, assignee, etc., of contract may sue in his own name.

(2) After such sixty days or shorter period any person entitled as beneficiary or by assignment or other derivative title to the insurance money, and having the right to receive the same and to give an effectual discharge therefor may sue for the same in his own name, any rule, stipulation or condition to the contrary notwithstanding. R.S.O. 1897, c. 203, s. 80 (2).

Notice of dispute.

(3) If a corporation disputes a claim it shall give notice in writing to that effect to the claimant and to the Superintendent within such period. *New.*

Registry suspended for insolvency.

**90.**—(1) If notice of dispute is not given and the claim is not paid within such period, or if the claim is disputed and judgment is recovered thereon, and is not satisfied, the Superintendent, upon proof of non-payment, may suspend the registry of the corporation.

(2) If within sixty days after notice of the suspension the corporation shall have paid all undisputed claims and final judgments in full, the Superintendent, upon proof of such payment, may revive the registry of the corporation and reissue his certificate of such revivor, and unless such proof is furnished before the expiration of such period he shall cancel the registry of the corporation. R.S.O. 1897, c. 203, s. 81 (1-3). *Redrafted.* Continued default for further sixty days. Where corporation resumes payment.

**91.**—(1) Every decision of the Superintendent, refusing, suspending, cancelling, or reviving registry, shall be in writing and notice thereof shall be forthwith given to the corporation. R.S.O. 1897, c. 203, s. 77 (1). *Amended.* Decision of the Superintendent.

(2) The corporation or any person interested shall be entitled, upon payment of the prescribed fee, to a certified copy of the decision. R.S.O. 1897, c. 203, s. 77 (2). *Amended.* Certified copy of.

(3) The evidence and proceedings in any matter before the Superintendent may be reported by a stenographer who has taken an oath before the Superintendent to faithfully report the same. R.S.O. 1897, c. 203, s. 77 (4). Stenographic report of evidence.

**92.**—(1) The corporation or any person who deems himself aggrieved by a decision of the Superintendent may appeal therefrom to a Divisional Court of the High Court. Appeals.

(2) The appeal shall be set down for argument at the first sittings of a Divisional Court which commences after the expiration of 30 days from the decision complained of. Time for setting down.

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a Judge of the High Court, in an action. R.S.O. 1897, c. 203, s. 78. *Amended.* Practice and procedure thereon.

**93.** Before a license is issued or a company is admitted to registry the Superintendent shall be satisfied that the corporate name of the company is not that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith or otherwise on public grounds objectionable. *New.* Similarity of name, new name.

RIGHT OF SUPERINTENDENT TO ACCESS TO BOOKS, ETC.

Superintendent to have access to corporation's books, etc.

**94.** The Superintendent, or any person authorized under his hand and seal of office, shall at all reasonable times have access to all such books, securities, and documents of a corporation as relate to its contracts of insurance, and any officer or person in charge, possession, custody or control of such books, securities or documents who refuses or neglects to afford such access, shall be guilty of an offence against this Act and the corporation shall be liable to have its registry suspended; and, in case of continued refusal or neglect to afford such access, shall be liable to have its registry cancelled. R.S.O. 1897, c. 203, s. 82. *Amended.*

SPECIAL AUDIT.

Special audit in case of fraud, illegal acts, or default of audit.

**95.**—(1) Upon proof to the satisfaction of the Superintendent that the accounts of a corporation have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of its books and accounts; or if there is filed in the office of the Superintendent a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five members or shareholders of the corporation or of claimants or persons entitled to claim or having insurable interests under contracts of the corporation, and alleging in a sufficiently particular manner to the satisfaction of the Superintendent, specific fraudulent or illegal acts, or the repudiation of contracts or insolvency, the Superintendent may appoint one or more accountants who shall, under his direction, make a special audit of the books and accounts and report thereon in writing verified upon oath, to the Superintendent. R.S.O. 1897, c. 203, s. 83 (1). *Amended.*

Security for costs of special audit.

(2) Where an audit is requested the persons requesting it shall, with their requisition, deposit with the Superintendent security for the costs of the audit in a sum not exceeding $300, and where the facts alleged in the requisition appear to the Superintendent to have been partly or wholly disproved by the audit, he may pay the costs thereof partly or wholly out of the deposit. R.S.O. 1897, c. 203, s. 83 (4).

Production of books, etc.

(3) The corporation, its officers and servants shall facilitate the making of such special audit so far as it is in their power, and shall produce for the inspection and examination by the person so appointed such books, securities and documents as he may require. *New.* (*See* R.S.O. 1897, c. 203, s. 83 (2).)

Expense of special audit.

(4) Subject to the provisions of subsection 2, the expense of such special audit shall be borne by the corporation, and the auditor's account, when approved in writing by the Superintendent

intendent, shall be paid by the corporation forthwith. R.S.O. 1897, c. 203, s. 83 (3). *Amended.*

(*Note.—Subsection (5), requiring all books, etc., relating to contracts to be produced, struck out as unnecessary.*)

When corporation resists or obstructs audit.

(5) Subject to appeal as hereinafter provided, the Superintendent, upon proof of the fact, may cancel or suspend the registry of a corporation which fails to comply with the provisions of section 105, or refuses to permit an audit provided for by this Act, to be made, or obstructs an auditor in the performance of his duties. *New.* (*See* R.S.O. 1897, c. 203, s. 83 (6).)

Untrue entries, etc.

**96.** Every trustee, director, officer, manager, agent, collector, auditor or employee of a corporation, or of any of its branches or lodges, who knowingly makes or publishes, or assists in making or publishing, any wilfully false statement of its financial affairs, or who makes or assists in making any untrue entry in any book of record, or account, or who refuses or neglects to make any proper entry therein, or to exhibit the books, vouchers, securities and documents, or to allow the same to be inspected or audited either for the general purposes of the corporation or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence, and upon summary conviction shall be liable to imprisonment for a term not exceeding twelve months. R.S.O. 1897, c. 203, s. 83 (7). *Amended.*

Report of special auditor.

**97.**—(1) If the report made by the special auditor appears to the Superintendent to disclose any fraudulent or illegal act on the part of the corporation, or a repudiation of its contracts, or insolvency, the Superintendent shall notify the corporation and furnish it with a copy of the report, and shall allow two weeks for a statement in reply to be filed with him.

Superintendents decision.

(2) Upon consideration of the report and of the statement in reply, and of such further evidence as he may require, the Superintendent may, subject to appeal as hereinbefore provided, suspend or cancel the registry of the corporation and shall give his decision in writing. R.S.O. 1897, c. 203, s. 84 (1-2). *Amended.*

(*Note.—Subsection (3), as to giving evidence under oath, struck out as covered by new general section 86.*)

UNREGISTERED CORPORATIONS; OFFENCES AND PENALTIES.

No unregistered corporation to undertake insurance.

**98.**—(1) No insurance other than contracts of guaranty undertaken by a company registered under *The Loan and Trust Corporations Act*, shall be transacted or undertaken in Ontario except by a Corporation duly registered under this Act, and no corporation shall transact or undertake in Ontario any business not specified in its certificate of registry.

Civil service fund of Canada.

(2) Subsection 1 shall not apply to a superannuation or insurance or annuity fund, managed or controlled by the Government of Canada or of Ontario, for the benefit of the civil service thereof. R.S.O. 1897, c. 203, s. 54. *Amended.*

Penalty.

(3) Any person who sets up or causes to be set up any sign containing the name of a corporation, or who distributes or publishes or causes to be distributed or published any proposal, circular, card, advertisement, printed form or like document in the name of a corporation, or who makes, or causes to be made, any written or oral solicitation on a corporation's behalf, or who collects or takes, or causes to be collected or taken, any premium of insurance on a corporation's behalf, shall be deemed to offer to undertake or effect a contract of insurance within the meaning of this section. R.S.O. 1897, c. 203, s. 85 (3); 63 V. c. 17, s. 24. *Amended.*

Printing of words "Assessment System."

(4) Every application, contract, or instrument, and every circular, advertisement or publication soliciting insurance, issued or used in Ontario for the purposes of assessment insurance shall bear the words "Assessment System" printed or stamped in large type at the head thereof. R.S.O. 1897, c. 203, s. 85 (5). *Amended.*

Statements as to capital.

(5) Where any advertisement, letter head, account or other document issued, published or circulated by a registered corporation or by any of its officers, agents or employees, purports to state the capital of the corporation it shall state separately

(*a*) The authorized capital;

(*b*) The capital actually and in good faith subscribed;

(*c*) The capital actually and *bona fide* paid up. *New.*

Penalty.

(6) Every person who in contravention of subsection 1 undertakes or effects, or agrees or offers to undertake or effect any contract of insurance or who contravenes subsection 4 or subsection 5, shall incur a penalty not exceeding $200 and not less than $20, recoverable under *The Ontario Summary Convictions Act;* and in case of a second or any subse-

10 Edw. VII. c. 37.

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quent conviction shall be liable to imprisonment for any term not exceeding six months. R.S.O. 1897, c. 203, s. 85 (2). *Amended.*

Burden of proof.

(7) The burden of proving registry shall be upon the corporation or person charged. R.S.O. 1897, c. 203, s. 85 (4).

Application of fine.

(8) One-half of any fine imposed under the authority of this section shall, when received, belong to His Majesty, and the other half to the prosecutor. R.S.O. 1897, c. 203, s. 85 (6). *Part amended.*

Offence by corporation to be an offence by officers thereof; continued default to constitute new offence.

**99**. Every offence against this Act committed by a corporation or by a branch or lodge of a corporation, shall be deemed to have been also committed by every officer of the same who by virtue of his office is bound to fulfil any duty whereof such offence is a breach, or if there is no such officer, then by every member of the Committee of Management of the same, unless it is proved that he attempted to prevent the commission of such offence, and every default under this Act which is an offence if continued shall constitute a new offence in each week during which such default continues. R.S.O. 1897, c. 203, s. 86. *Amended.*

BROKERS' LICENSES FOR BUSINESS WITH UNREGISTERED FOREIGN CORPORATIONS.

License in certain cases for effecting insurance with unregistered insurers.

**100**.—(1) Where the Minister is of opinion that insurance or sufficient insurance of property cannot be obtained with registered insurers at ordinary or reasonable rates of premium, he may from time to time, by license made for a term not in any case extending beyond the next ensuing 30th day of June, authorize an insurance broker named in such license, hereinafter in this section called the licensee, to effect such insurance with insurers approved by the Minister not registered under this Act, and not transacting business in Ontario, other than such as is transacted under the authority of a license issued under this section.

Security to be given by licensee.

(2) The licensee before transacting business under the license, shall furnish to the Superintendent security to his satisfaction in the sum of not less than $5,000, that he will faithfully comply with all the requirements of this Act.

License exempts from penalties.

(3) The license shall in respect of insurance effected thereunder, exempt the licensee, the insurers and such insurance from the operation of section 98.

(4)

Additional deposit to be made on notice.

(4) The Minister may at any time require a licensee to increase the amount of the security, and notice of such requirement may be sent by registered post, addressed to the licensee at the address stated in the license, and if the licensee fails to comply with the requirement within eight weeks after the mailing of such notice, the license shall *ipso facto* be cancelled.

Suspension of cancellation of license for cause.

(5) For non-compliance by the licensee with any of the requirements of this Act or for any other cause shown to the satisfaction of the Minister, he may at any time, by notice in writing, which may be given as provided by the next preceding subsection, suspend or cancel the license.

Application for insurance under this section.

(6) The licensee shall, in the case of every insurance to be effected under this section, obtain from the person applying for such insurance a dated statement, signed by the applicant, describing the property to be insured, its location and the amount of insurance desired; also stating that there is no insurer in Ontario registered for the transaction of that kind of insurance; or that application was previously made for such insurance to named insurers registered under *The Ontario Insurance Act;* and that a premium at the rate stated in the application per $100 for a specified term was offered to them, but that no insurance or only a stated part of the insurance so applied for was granted by such insurers.

Separate account to be kept of insurances.

(7) Every licensee shall keep a separate account of all insurances effected by him under his license in a book or books in the form prescribed by the Superintendent.

Books, applications, etc., to be open to inspection.

(8) Such book and the applications and statements mentioned in subsection 6 shall at all times be open to the Superintendent or to any officer of the Department.

Monthly returns to be made by licensee.

(9) Within ten days after the end of each calendar month every licensee shall make to the Superintendent a return in the form and manner by him prescribed of the particulars of all insurances effected under this section by the licensee during such month; and such return shall be verified by the oath of the licensee.

Premiums received by licensee to be reported to Department.

(10) In respect of all premiums on insurance effected under a license, the licensee shall pay to the Department, such taxes as would be payable, if such premiums had been received by a registered insurance company; and the licensee

shall

shall, in respect of such premiums, report to the Superintendent from time to time as by him required.

Release of deposit.

(11) On it being shown to the satisfaction of the Minister that all insurances effected under this section are no longer in force, or have been reinsured, the licensee shall be entitled to a release or cancellation of his security.

License fee.

(12) For each license issued under this section a fee of $25 shall be payable to the Department, but where the term for which the license is to be issued does not exceed six months, the fee shall be $12.50. (*New*).

REINSURANCE BY REGISTERED CORPORATION.

Registered companies exempt.

**101**. Nothing in this Act shall prevent a registered insurance company, which has lawfully effected a contract of insurance upon property in Ontario, from re-insuring the risk or any portion thereof with any insurer transacting business out of Ontario and not registered under this Act. *New.*

BOOKS: PERIODICAL AUDIT: INVESTMENTS: FINANCIAL STATEMENTS.

(*For special audit see section 95.*)

Corporation to keep such books as may be directed by Superintendent.

Rectification of disordered books.

**102**.—(1) Every registered corporation except those mentioned in subsection 1 of section 69, shall keep such a classification of its contracts, and such registers and books of account as may be prescribed by the Superintendent; and if at any time it appears to him that such books are not kept in such a way as to show properly the affairs and standing of the corporation, he may appoint an accountant to audit such books under his direction, and to give such instructions as will enable the officers of the corporation to keep them correctly.

Expense of audit.

(2) The expense shall be borne by the corporation, and shall not exceed $5 per day and necessary travelling expenses, and the account shall, when approved under the hand of the Superintendent, be paid by the corporation forthwith. R.S.O. 1897, c. 203, s. 87. *Amended.*

Transfer register.

**103.**—(1) Where the corporation has a share capital, the books required by the next preceding section shall include a stock register, in which transfers of shares shall be accurately registered, and which shall at all reasonable times be open to examination by any shareholder and the Superintendent.

What transfer register is to include.

(2) The entries in such register shall include the following particulars: the number of shares transferred: the amount paid up on them; the names and addresses of the transferor and the transferee; the date of the transfer and the date of confirmation by the directors. R.S.O. 1897, c. 203, s. 88. *Amended.*

Separate record for contracts secured by deposit.

**104.** Insurance companies which are required to make a deposit shall cause to be kept a policy register in which all policies issued by the corporation shall be entered, distinguishing those for which the deposit is answerable under section 57. R.S.O. 1897, c. 203, s. 89. *Amended.*

Annual audit.

**105.**—(1) The officers of every Provincial corporation shall at least once in every year have a *bona fide* audit of its books of record and account made by at least two competent auditors.

Who may be auditors

(2) Every auditor shall be a qualified accountant, not holding or having held within two years prior to his becoming auditor, any other office or employment under the corporation. R.S.O. 1897, c. 203, s. 90 (1-2). *Amended.*

Remuneration.

(3) The auditors shall be elected and their remuneration determined at a general meeting. R.S.O. 1897, c. 203, s. 90 (3); 63 V. c. 17, s. 25.

Term of office.

(4) An auditor shall hold office for not more than two years but shall be eligible to reappointment. *New.*

Suspension of auditor.

(5) The directors or executive officers may, by a vote of two-thirds of the members present, suspend an auditor for incapacity, misconduct or negligence, such suspension to remain in force until the next general meeting.

Vacancy of office of auditor.

(6) If the office of auditor becomes vacant between general meetings, the directors or executive officers may fill the vacancy until the next general meeting. R.S.O. 1897, c. 203, s. 90 (4-5). *Amended.*

Summary statement.

**106.**—(1) Every Provincial corporation shall furnish to each shareholder or member at least two weeks before its annual meeting, a summary statement in a form approved by

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the Superintendent, showing as the result of such audit, the corporation's assets, liabilities, receipts and expenditures, and the state of its insurance funds as they appear in the statement mentioned in section 108, and a copy of such summary statement signed and certified by the president and by the manager or secretary and by the auditors shall be filed in the office of the Superintendent with the statement required by section 101. R.S.O. 1897, c. 203, s. 91 (1). *Amended.*

Statement in official journal of friendly society.

(2) Where a copy of the official newspaper or journal of a friendly society, containing the statement, is sent to a member, the statement shall be deemed to be furnished to him within the meaning of subsection 1. R.S.O. 1897, c. 203, s. 91 (3). *Amended.*

Distribution of statement to lodges or branches.

(3) Instead of furnishing such statement to each member the society may transmit to each lodge or branch, for the information and use of its members, at least ten copies of the statement; and one copy shall be kept posted up at the head office of the society in a place accessible and convenient to the members until at least one month after the posting up of the next succeeding statement, and one copy shall be kept on record and shall be accessible to the members. R.S.O. 1897, c. 203, s. 91 (2). *Amended.*

Fire insurance companies.

(4) In the case of fire insurance companies other than those transacting purely non-hazardous mutual business, a copy of such summary statement shall be published in a newspaper published in the county or district in which the head office of the company is located, on or before the fifteenth day of February in every year and proof of publication shall be filed with the Superintendent on or before the fifth day of March next following, in default of which the Superintendent shall cause such publication to be made at the expense of the company.

Statements differing from statement filed.

(5) No statement purporting to show the financial condition of any Provincial corporation which differs from the statement filed with the Superintendent shall be published or circulated. *New.*

Valuing annuities, etc., in statement of liabilities.

**107.** In the case of an insurance corporation licensed under section 62, every contract of annuity upon life and every unmatured policy or contract of life, including endowment or tontine or semi-tontine insurance required to be valued for a true showing of the corporation's liabilities shall be valued as provided by Schedule C. 1 Edw. VII. c. 21, s. 1 (2). *Part Amended.*

Annual statement to the Registrar.

**108.**—(1) The presiding officer and the manager or secretary of every registered insurance corporation except those mentioned in sections 69, 70 and 71, shall prepare and file annually with the Superintendent as hereinafter prescribed, on a printed form to be furnished by him on application, a sworn statement of the financial condition and affairs of the corporation. R.S.O. 1897, c. 203, s. 96 (1). *Part amended.*

Statements of fire insurance companies.

(2) In case of fire insurance companies other than those transacting a purely non-hazardous mutual business, the statement shall show as a liability the unearned premiums on all cash business in force on the 31st day of December then last past, and shall not show as assets unpaid balances owing by agents or by other companies which are over three months due or bills receivable on account of the same. *New.*

Statements of guarantee companies.

(3) In the case of a company transacting any form of guarantee insurance, the statement shall show as a liability the unearned premiums on unexpired contracts computed *pro rata* as at the date of the statement. *New.*

Refusal or neglect to to file statement or furnish information.

(4) A corporation refusing or neglecting to file such statement, or to make prompt and explicit answer to any inquiries at any time put by the Superintendent touching the corporation's contracts or financial affairs, or which contravenes any of the provisions of section 106, shall be liable to suspension of registry. R.S.O. 1897, c. 203, s. 96 (1). *Part amended.*

Statement of contingent liabilities of friendly society.

(5) A friendly society may include in its annual statement a valuation, made by an actuary and verified by his oath, of any or all of the contingent liabilities of the society; and the Registrar may in his annual report publish an abstract of such valuation as part of the society's statement. R.S.O. 1897, c. 203, s. 96 (1). *Part amended.*

Statements of Provincial licensees, when to be delivered.

(6) In the case of a registered Provincial licensee, such statement shall be prepared annually on the first day of January, or within one month thereafter, and shall be filed with the Superintendent on or before the first day of February then next ensuing.

Statements of Friendly Societies, when to be delivered.

(7) In the case of a registered friendly society, such statement shall be prepared annually on the first day of January or within one month thereafter, and shall be filed with the Registrar on or before the first day of March then next ensuing.

Copy of summary statement to be filed.

(8) With such statement the corporation shall file a certified copy of the summary statement required by section 106. R.S.O. 1897, c. 203, s. 96.

(9)

(9) For every contravention of this section, the person in default shall incur a penalty of $50 for each day's default, but not exceeding in the whole $1,000, recoverable under *The Ontario Summary Convictions Act*. *New.* Penalty. 10 Edw. VII. c. 37.

(10) From the statements so filed, the Superintendent shall in each year cause to be prepared, printed and distributed, a report for the year ending on the 31st day of December next preceding, and such report shall include a list of registered insurance corporations. R.S.O. 1897, c. 203, s. 97 (1). Superintendent's annual report.

**109.**—(1) It shall be unlawful for any person to represent orally or in writing that the registry of an insurance corporation or the printing or publication of its annual statement in the report of the Superintendent or in any other publication of the Department is a warranty or guarantee of the financial standing of the corporation or of its actual actuarial solvency. Statements that financial standing warranted by Government prohibited.

(2) For every contravention of subsection 1 the person offending shall incur a penalty of not less than $200 or more than $500, recoverable under *The Ontario Summary Convictions Act*. Penalty. 10 Edw. VII. c. 37.

(3) Where the constitution or rules of a corporation, branch or lodge prescribe the securities in which its funds shall be invested, nothing in this section shall enlarge the power of investment. Prescribed powers of investment not enlarged.

(4) Subject to its constitution or rules, any corporation registered under this Act, or any branch or lodge thereof, may hold absolutely for its own use and benefit such real estate as is necessary for the transaction of its business, and such real estate as is acquired by it, by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same; but the corporation, branch or lodge shall sell any such last mentioned real estate within seven years after it has been so acquired, otherwise it shall be forfeited to His Majesty for the uses of Ontario. Power to hold real estate.

(5) No insurance corporation, branch or lodge shall contract with any of its auditors, trustees, directors, or executive officers for any loan or credit, or borrowing of money, except in the case of a life insurance company, where a loan may be made on the security of its own policies. Loans to and from directors, etc., forbidden.

(6) Where the trustees, directors or executive officers of an insurance corporation, or of a branch or lodge thereof, make an investment of any of the corporation's money not authorized by law, or lend any money of the corporation, or transfer Liability of directors, etc., assenting to illegal investments.

transfer the beneficial ownership of any of its property or assets to any one of themselves, or to any auditor, all of those who voted in favour of or assented to the investment, loan or transfer, shall be personally liable jointly and severally to repay or restore the money, property or assets so invested, loaned or transferred, with interest and if the Court so determines, also with rests.

Action for recovery of money illegally disposed of.

(7) An action for the recovery of such money, property or assets may at any time be brought by a member or shareholder of the corporation on behalf of himself and all other members and shareholders, and all trustees, directors or executive officers may be made defendants; and the burden of proof that he did not vote for or assent to the investment, loan or transfer shall be on every such defendant.

Costs payable in first instance by corporation.

(8) If, in the opinion of the Court, the plaintiff has proved that the investment, loan or transfer was not authorized by law, he shall be entitled to his costs out of the funds of the corporation, and the corporation shall have the right to recover such costs from the defendants personally or from such of them as the Court may determine. R.S.O. 1897, c. 203, s. 92 (2-4).

Reserve funds held in Ontario.

(9) Where, on or after the 14th day of April, 1892, a friendly society having its head office elsewhere than in Ontario, had or has in the charge, possession, custody, or power of officers or agents, resident in Ontario, a reserve fund or funds for the security or assistance of members of the society, such fund or funds shall be deemed to be a fund held in trust for members in the jurisdiction of such officers or agents, and they shall be deemed and shall continue to be trustees of the said fund or funds until other trustees thereof resident in Ontario are appointed by competent authority; and such trust fund or funds or as much thereof as from time to time shall remain unexpended shall be invested as provided by subsection 1 of section 110. R.S.O. 1897, c. 203, s. 68 (3).

Permissible investments.

**110.**—(1) The surplus insurance funds and the reserve fund of a Provincial insurance corporation or of a branch or lodge thereof, shall be loaned or invested in the name of the corporation, branch or lodge in

1 Geo. V. c. 26.

(*a*) Any securities in which, under *The Trustee Act,* trustees may invest trust funds, but not including debenture stock;

(*b*) Debentures of any municipal or school corporation in Canada; and

subject

subject to the approval of the Lieutenant-Governor in Council,

(*c*) In terminating debentures of companies registered under *The Loan and Trust Corporations Act,* or of incorporated companies which have, in the Dominion of Canada, for at least five consecutive years been actually supplying gas, water, heat, light, power, or electricity to the public or to any municipal corporation; or of steam, electric or street railway or telegraph or telephone companies, in actual operation in Canada, but loans upon the security of, or the investment in the debentures of any of the companies mentioned in this clause shall not in the aggregate exceed one-fifth of the paid-up capital of the company.

Deposit of insurance money.

(2) Any uninvested money shall be kept on deposit in the name of the corporation, branch or lodge, in a post-office savings bank, or in a chartered bank of Canada, or with a loan company registered under *The Loan and Trust Corporations Act.* 1 Edw. VII. c. 21, s. 4; 7 Edw. VII. c. 36, s. 2. *Amended.*

Persons in service of corporation to furnish security.

**111.**—(1) Every officer or person appointed or elected to any office concerning the receipt, safe-keeping or proper application of money, shall furnish security for the just and faithful execution of the duties of his office according to the by-laws or rules of the corporation, and any person entrusted with the performance of any other service may be required to furnish similar security, and the securities so furnished and then subsisting shall be produced to the auditors at the annual audit.

Minimum in case of Provincial companies.

(2) In the case of Provincial insurance companies the security given by the treasurer or other officer having charge of the money of the company shall not be less than $2,000. R.S.O. 1897, c. 203, s. 93. *Amended.*

Books of account and record to be the property of the corporation.

**112.**—(1) The books used by any auditor, officer, collector or agent for verifying or recording money received for the corporation, branch or lodge shall be the property of the corporation, branch or lodge, and none of the foregoing persons or any solicitor, counsel or other person shall have in them or in any other of the books of account or record of the corporation any ownership or proprietary right, or any right of lien upon them.

Penalty.

(2) Any person who withdraws, withholds or detains any of such books from the possession, or control of the trustees, directors, or executive officers, or from the receiver or liquidator of the corporation, branch or lodge shall be guilty of

an offence and the procedure and penalty shall be as in the case of a contravention of section 98. R.S.O. 1897, c. 203, s. 94. *Last part amended.*

After decease or bankruptcy of officer, books, etc., to be delivered to corporation, branch or lodge

**113**. If a person appointed or elected to an office, entrusted with and having in his possession books, money, securities, documents or other property or effects belonging to the corporation, branch or lodge, or relating thereto, dies, resigns, vacates his office or becomes incapacitated by mental or physical debility, or becomes bankrupt or insolvent, his legal representative or any other person having them in his possession or custody, shall within fifteen days thereafter deliver the same to such person as the trustees, directors or executive officers may appoint. R.S.O. 1897, c. 203, s. 95.

DIRECTORS—GENERAL PROVISIONS.

(*All Provincial Insurance Companies.*)

Application of sections 115 to 120.

**114**. Sections 115 to 120 shall apply to all Provincial corporations registered on the Insurance Company Register. R.S.O. 1897, c. 203, s. 98.

Appointment of Manager and other officers.

**115**.—(1) The directors may from time to time appoint a manager, secretary, treasurer, and such other officers, agents or assistants, as they may deem necessary, prescribe their duties, and fix their compensation or allowances, and shall prescribe the amount of, and take such security from them as is required by this Act for the faithful performance of their respective duties.

Board may adopt a tariff of rates.

(2) The directors may also, subject to the provisions of this Act, adopt a table of rates, premiums or premium notes, as the case may be, and vary such table from time to time, and may also prescribe the maximum amount of any risk to be undertaken. R.S.O. 1897, c. 203, s. 99; *first part amended.*

Meetings of the board.

(3) In the case of all insurance corporations heretofore or hereafter incorporated by or under the authority of this Legislature, a regular meeting of the directors shall be held at least once in every three months, and oftener if necessary, for transacting the business of the corporation, and a special meeting may at any time be held on the call of the President or acting President, upon at least three days' notice in writing, stating the business for which the special meeting is called. 8 Edw. VII. c. 33, s. 45. *Amended.*

(4)

(4) The directors shall keep a record of their proceedings in a book to be known as the Minute Book of the corporation, in which also shall be entered the proceedings of all general meetings of the shareholders or members. R.S.O. 1897, c. 203, s. 99. *Last part amended.* Minute book.

**116.**—(1) The directors may pass by-laws respecting the funds and property of the corporation, the duties of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual and other meetings, and all such other matters as appertain to the business of the corporation and are not contrary to law, and may from time to time alter and amend such by-laws, except where the repeal would affect the rights of others than the shareholders or members of the corporation or is prohibited by this Act. The board may pass by-laws. When by-laws are not repealable.

(2) Every by-law shall be in writing and under the corporate seal, and shall be entered in a book called the By-law Book, and unless, and until amended or repealed by the directors or amended or annulled by a general meeting of the shareholders or members or disallowed by the Superintendent, shall be deemed to be a by-law of the corporation. By-laws of board to bind company.

(3) A copy of every by-law certified by the manager or secretary to be a true copy, shall be filed with the Superintendent within seven days after the passing thereof. R.S.O. 1897, c. 203, s. 100. *Amended.* Filing by-laws.

(4) A by-law may be disallowed by the Superintendent within one month after it is filed. *New.* Disallowance by Superintendent.

(5) Notice of such disallowance shall be forthwith given to the corporation. *New.* Notice of disallowance.

**117.** The directors shall superintend and have the management of the funds and property of the corporation, and of all matters relating thereto, and not otherwise provided for. R.S.O. 1897, c. 203, s. 101. *Amended.* The board to manage the property, etc., of the company.

**118.** The directors may make arrangements with any other registered corporation for the re-insurance of risks, on such conditions with respect to the payment of premiums thereon as may be agreed upon. R.S.O. 1897, c. 203, s. 102. *Amended.* Re-insurance of risks.

**119.**—(1) The directors may issue debentures or promissory notes for the loan of money, and may borrow money thereon for any term not exceeding twelve months, and on Directors may issue debentures and promissory notes for loans.

such

such conditions as they may deem proper, and may renew the same from time to time for any such term, and the whole of the assets of the corporation, including premium notes shall be liable for the payment of the same at maturity, but no such debenture or promissory note shall be for a less sum than $100.

Assets of the company to be liable for the same.

(2) In the case of a mutual or cash-mutual insurance company the amount of all the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon its premium notes. R.S.O. 1897, c. 203, s. 103. *Amended.*

Amount of debentures, etc., limited.

REMUNERATION OF DIRECTORS.

**120**. At any annual general meeting of the shareholders or members of a corporation, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of the special general meeting, it shall be lawful to enact by-laws for the remuneration of the directors, and a certified copy of every such by-law shall, within seven days after its passing, be filed with the Superintendent. R.S.O. 1897, c. 203, s. 105.

Remuneration of directors

FAILURE TO ELECT DIRECTORS.

**121**. If an election of directors is not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on a subsequent day, at a meeting to be called by the directors or as otherwise provided by the by-laws of the company, and in such case the directors then in office shall continue to hold office until their successors are elected. R.S.O. 1897, c. 203, s. 124. *Amended.*

Provision in case of failure to elect directors on proper day.

MUTUAL AND CASH-MUTUAL COMPANIES: THEIR INTERNAL MANAGEMENT.

**122**. Sections 123 to 153 shall apply only to mutual and cash-mutual fire insurance companies, and to mutual live stock and mutual weather insurance companies. R.S.O. 1897, c. 203, s. 106. *Amended.*

Application of secs. 123-153.

1. *Admission and withdrawal of members.*

**123**. The company may insure on the premium note plan any property within the scope of the company's license, and the maker of the premium note shall from the date of the acceptance of the risk by the company be a member of it. R.S.O. 1897, c. 203, s. 107.

Power to insure.

Members.

**124**. Subject to section 125 every member shall be liable in respect of any loss or other claim or demand against the company, to the extent of the amount unpaid upon his premium note and no more. R.S.O. 1897, c. 203, s. 109. Liability of members.

**125**. Any member may, with the consent of the directors withdraw from the company upon such terms as the directors may lawfully prescribe; and upon such withdrawal his policy shall be cancelled, but he shall nevertheless be liable to be assessed for, and to pay his proportion of the losses, expense and reserve to the time of cancelling the policy, and on payment of the amount then payable he shall be entitled to a return of his premium note. R.S.O. 1897, c. 203, ss. 110, 111. *Amended.* Members withdrawing.

2. *General Meetings.*

**126**.—(1) A meeting of the shareholders and members for the election of directors shall be held within the first two months of every year at such time and place as may be prescribed by the by-laws of the company. R.S.O. 1897, c. 203, s. 112. Annual meeting for election of directors.

(2) Before the election the statement mentioned in section 106 for the year ending on the previous thirty-first day of December, shall be presented and read. R.S.O. 1897, c. 203, s. 113. Annual statement.

**127**.—(1) Notice of every annual, general or special general meeting of the company shall be sent by post to every shareholder and member and shall be published in a newspaper published at or near the place where the head office is located, at least two weeks previous to the day of the meeting. Notice of annual or special meetings.

(2) The directors may convene a general meeting of the company at any time. R.S.O. 1897, c. 203, s. 114. Convening general meeting.

**128**.—(1) A member of the company shall be entitled at all meetings of the company, to the number of votes in proportion to the amount of insurance held by him, according to the following scale: Under $1,500, one vote; $1,500 to $3,000, two votes; and $3,000 or over, three votes; but no member shall be entitled to vote while in arrear for any assessment or fixed payment due by him to the company. Members to have votes proportionate to the amount of their insurance.

(2) Where a policy on the premium note plan is made to two or more persons, one only shall be entitled to vote, and the right of voting shall belong to the one first named on the register of policy holders if he is present, and if not present, to the one who stands second and so on. R.S.O. 1897, c. 203, s. 115. Where policy made to two or more persons.

Cash-mutual companies with share capital

(3) Where the company is a cash-mutual company and has a share capital every shareholder shall be entitled to the same number of votes as he would be entitled to if the company had been incorporated under *The Ontario Companies Act*. *New.*

Right of applicants to vote.

**129.** No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application has been accepted by the directors. R.S.O. 1897, c. 203, s. 116.

3. *Directors, Qualification, Election, etc.*

Qualification of directors.

**130.**—(1) No person shall be eligible to be or shall act as a director unless he is a member of the company and insured therein, for the time he holds office;

(*a*) In the case of a live stock insurance company to the amount of $200 at least, and

(*b*) In the case of every other company to the amount of $800 at least.

Where company has a share capital.

(2) Where the company has a share capital, at least two-thirds of the directors shall also be holders of shares each to the amount of not less than $1,000, upon which all calls have been paid. R.S.O. 1897, c. 203, s. 117. *Amended.*

Representation of corporations.

(3) The President or a Director of a corporation which has the qualification which would qualify an individual to be a director, shall be eligible to be a director of the company. *New.*

Representation of partnerships.

(4) Where a partnership has the qualification which would qualify an individual to be a director of the company, one member of the partnership shall be eligible to be a director of the company. *New.*

Number of directors to be determined by resolution.

**131.**—(1) The board shall consist of six, nine, twelve or fifteen directors, as shall be determined by resolution passed at the meeting held under section 19.

Increase or decrease in number, how made.

(2) The number of directors may from time to time be increased or decreased, if so determined at a special general meeting of the company called for the purpose, or at an annual general meeting, if notice in writing of the intention to propose a by-law for that purpose at such annual general meeting is given to the secretary of the company at least one month before the holding of the meeting; but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen. R.S.O. 1897, c. 203, s. 118. *Amended.*

(3)

(3) Where such a notice has been given to the secretary that fact shall be stated in the notice of the annual general meeting. *New.* Notice of proposed change.

(4) With the copy of the by-law filed with the Superintendent there shall be filed a list of the directors elected thereunder, certified under the hands of the chairman and secretary of the meeting. R.S.O. 1897, c. 203, s. 119. *Amended.* Copy of resolution and list of directors to be filed.

**132**. One-third of the directors shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered on the minutes of the meeting. R.S.O. 1897, c. 203, s. 120. Retirement of directors in rotation.

**133**. At every annual general meeting thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring directors, who shall be eligible for re-election. R.S.O. 1897, c. 203, s. 121. Annual election to fill vacancies.

**134**. The manager of the company, although he has not the qualification required by section 130, may be a director of the company, and may be paid an annual salary, under a by-law passed as provided by section 120. R.S.O. 1897, c. 203, s. 122. *Amended.* Manager may be a director. His salary.

**135**.—(1) No agent, or paid officer, or officer of the bankers of the company, or person in the employment of the company, other than the manager, shall be eligible to be elected as a director, or shall interfere in the election of directors. Certain persons not eligible as directors.

(2) Nothing herein shall apply to a person receiving applications for insurance, or taking to his own use the customary application, survey or policy fee, not exceeding $1.50 in respect of any one policy, or prevent a director from so doing. R.S.O. 1897, c. 203, s. 123; 62 V. (1), c. 2, s. 2. *Amended.* Fees of director taking application.

**136**.—(1) The election of directors shall be held and made by such shareholders and members as attend for that purpose in their proper persons, or in the case of a corporation or partnership by a person authorized in writing to represent it. Election of directors.

(2) The election shall be by ballot. Mode of election.

(3) If two or more members have an equal number of votes, so that less than the whole number to be elected appear Case of a tie at an election.

to

to have been chosen directors by a majority of votes, the members present shall proceed to ballot, until it is determined which of the persons so having an equal number of votes shall be the director or directors.

Election of president and vice-president.

(4) The directors shall at their first meeting after any such election elect by ballot from among themselves a president and vice-president, and the secretary shall preside at such election.

Vacancies in office of director, how filled.

**137**. If a vacancy occurs among the directors during the term for which they have been elected, by death, resignation, ceasing to have the prescribed qualification, insolvency, or by absence without previous leave of the directors, from three successive regular meetings which shall, *ipso facto,* create such vacancy, the vacancy, in the case of a board limited to six directors, shall be filled, and in the case of a board limited to a number of directors exceeding six, may be filled, until the next annual general meeting, by any person duly qualified, chosen by a majority of the remaining directors, as soon as may be after the vacancy occurs, and at the next annual general meeting the vacancy shall be filled for the portion of the term still unexpired. R.S.O. 1897, c. 203, s. 125.

Quorum of directors.

**138**.—(1) Three directors shall constitute a quorum for the transaction of business, and in the case of an equality of votes at any meeting, the question shall pass in the negative.

Directors disagreeing may record their dissent.

(2) A director disagreeing with the majority at a meeting, may have his dissent recorded, with his reasons therefor. R.S.O. 1897, c. 203, s. 126.

4. *Premium Notes and Assessments.*

Company may accept premium notes.

**139**.—(1) The company may accept the premium note of the assured for insurance, and may undertake contracts in consideration thereof, and such notes shall be assessable for the losses, expenses and reserve of the company in the manner hereinafter provided. R.S.O. 1897, c. 203, s. 127 (1).

Nothing but notice to appear on same paper.

(2) Nothing except the notice provided for by section 150 shall be written upon the same paper upon which a premium note is written and a violation of this section shall render the premium note absolutely void. *New.* (*See* R.S.O. 1897, c. 203, s. 127.)

Minimum rates.

**140**. The rate to be charged or taken by way of premium note for insuring first-class isolated non-hazardous property shall not be less than one dollar per one hundred dollars per annum, and the minimum rate of insurance upon other

property

property shall be increased relatively with the increased risk, according to the nature of such property; but a rate less than $1 per $100 of the amount insured per annum may be charged or taken when and so long as the total amount at risk exceeds $2,000,000, and the total assets of the company do not fall below two per centum of the total amount at risk, or so long as the company keeps on deposit with the Minister the full amount prescribed by this Act. R.S.O. 1897, c. 203, s. 128; 62 V. (1), c. 2, s. 2.

Part payment may be demanded at the time of application for insurance.

**141.**—(1) The directors may demand in cash a part or first payment on the premium note at the time of the application for insurance, and such first payment shall be credited upon the premium note or against future assessments, but not more than sixty per centum of any premium note shall be paid in cash at the time of the application or of effecting the insurance.

First payment on premium note may be made in annual instalments.

(2) Instead of requiring the whole of the first payment to be made in cash at the time of the application for insurance, the directors may make the same payable in annual instalments, the first of which shall be payable at the time of the application for insurance, and the remaining instalments shall be respectively payable on the first day of each subsequent year of the term of insurance.

Proviso.

(3) Such annual instalments may be known and described as "the first (or second, *or as the case may be*) fixed payment." R.S.O. 1897, c. 203, s. 129 (1-2).

When non-payment of subsequent premiums to effect forfeiture.

(4) Non-payment of any fixed payment subsequent to the first shall forfeit the insurance if the fixed payment remains unpaid for thirty days after notice of its non-payment has been mailed to the person by whom it is payable, directed to his post office address given in the original application, or otherwise given in writing to the company, or if such fixed payment is not made when it becomes due, where thirty days' notice in writing of its becoming payable has been so given. 63 V. c. 17, s. 26. *Amended.*

In case of mutual fire companies, fixed sums, to be paid annually.

(5) On every premium note taken for insurance by a mutual fire insurance company incorporated after the first day of June, 1904, there shall be payable at the commencement of each year of insurance a fixed sum amounting to at least one-fifth of one per centum of the sum insured; and the premium note shall, as to the residue thereof, be subject to assessment by the Board of Directors. 4 Edw. VII. c. 15, s. 4.

Assessment on premium note.

**142.**—(1) All premium notes shall be assessed by the directors, at such intervals from their respective dates for such

sums

sums as they may determine, and for such further sums as they may deem necessary and as are authorized by this Act, for losses, expenses and reserve, during the currency of the policies for which such notes were given, and in respect of which they are liable to assessment; and every member of the company who has given a premium note shall pay the sums from time to time payable by him to the company during the continuance of his policy in accordance with the assessment, and the assessment shall become payable in thirty days after notice thereof has been mailed to the member who has given the premium note, directed to his post office address, given in the original application, or otherwise given in writing to the company. R.S.O. 1897, c. 203, s. 130.

Notice to be given of the assessment.

When mortgagee to be notified.

(2) If the property insured has been mortgaged by the member, and the company has assented to the mortgage it shall be necessary that the notices mentioned in subsection 4 of section 141, and subsection 1 of this section be also mailed to the mortgagee if his post office is known to the company.

Policy void, if assessment or note is not paid within thirty days;

**143.**—(1) If an assessment is not paid within thirty days after notice mailed as provided by section 142, the contract of insurance in respect of which the assessment has been made shall be null and void as to all claim for loss occurring during the time of non-payment; but the contract shall be revived when the assessment has been paid, unless the secretary gives notice to the contrary to the person assessed in the manner in this Act provided.

Revivor by subsequent payment.

Assured's liability.

(2) Nothing herein contained shall relieve the assured from his liability to pay the assessment or any subsequent assessments, nor shall he be entitled to recover the amount of any loss or damage which happens to property insured under the contract while the assessment remains due and unpaid, unless the board of directors determine otherwise. R.S.O. 1897, c. 203, s. 131.

Requisites of notice of assessment.

(3) A notice of assessment so mailed shall be sufficient if it states the register number of the contract, the period over which the assessment extends, the amount of the assessment, the time when and the place where it is payable. R.S.O. 1897, c. 203, s. 132.

Assessment, how proportioned.

**144.** Subject to the provisions of section 140, the assessment shall always be in proportion to the amount of the premium notes, but where a company alters its premium note rate, and still holds in respect of subsisting contracts premium notes at the prior rate, the company, as between the respective premium notes so differing in rate, may make and levy such differential assessments as will in risks of the same amount, and of the same class of hazard, equalize the cost of insurance to the makers of the respective premium notes. R.S.O. 1897, c. 203, s. 133.

**145.**

Return of premium note after insurance ended.

**145**. On the expiration of forty days after the term of insurance has ended, the premium note given for the term shall be null and void, except as to the first payment or fixed payments remaining unpaid, and as to lawful assessments of which the prescribed written notice has been given to the maker of the premium note during the currency of the policy or within such period of forty days, and on the expiration of such period the premium note shall, upon application therefor, be given up to the maker, provided all liabilities with which the premium note is chargeable have been paid. R.S.O. 1897, c. 203, s. 137 (2).

Company may sue for assessments on premium notes.

**146**. If, for thirty days after notice of an assessment so mailed, a member who has given a premium note refuses or neglects to pay the assessment, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. R.S.O. 1897, c. 203, s. 134.

Certificate of the secretary to be prima facie evidence of amount due to the company.

**147**. Where an action is brought to recover the assessment, the certificate of the secretary of the company, specifying the assessment and the amount due on the note in respect of such assessment, shall be *prima facie* evidence thereof in any Court. R.S.O. 1897, c. 203, s. 135. *Amended.*

Reserve fund.

Annual assessment.

How applied.

**148**. The company may form a reserve fund, to consist of all moneys which remain on hand at the end of each year, after payment of ordinary expenses and losses, and for that purpose may make an annual assessment not exceeding ten per centum on the premium notes held by the company, and the reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year. R.S.O. 1897, c. 203, s. 136. *Amended.*

Directors may retain amount of premium notes.

**149**. If there is a loss on property insured, the directors may retain the amount of the premium note until the time has expired for which insurance has been made, and at the expiration of such time the assured shall have the right to demand and receive such part of the retained sum as has not been assessed for. R.S.O. 1897, c. 203, s. 137 (1).

Actions in division courts where brought.

**150**. Any action upon any premium note or for an assessment thereon, cognizable in a division court, may be entered, tried and determined in the court for the division wherein the head office or any agency of the company is located, where and where only within the body of such note, or across the face thereof, there was at the time of the making of it, printed in conspicuous type, and in ink of a colour different from any other in or on such note, the words following: "Any action which may be brought or commenced in a Division Court in respect or on account of this note, or any sum to be assessed thereon,

thereon, may be brought and commenced against the maker hereof in the Division Court for the division wherein the head office or any agency of the company is located." R.S.O. 1897, c. 203, s. 138.

Premium notes not to create lien on land

**151**. No premium note shall create a lien upon the land on which the insured property is situate. R.S.O. 1897, c. 203, s. 139.

Powers of incorporated companies to insure on the cash-premium principle.

**152**.—(1) A registered cash-mutual fire insurance company may effect insurance upon the cash-premium plan, for a period not exceeding three years, on farm and other non-hazardous property, and for one year or less on any other class of property, but the amount of premiums received on cash insurances in any one calendar year shall not exceed four times the amount which the company has then on deposit with the Minister.

When deposit must be increased.

(2) If at any time the amount of such premiums exceeds the amount authorized by subsection 1, the company shall at once increase its deposit to an amount sufficient to warrant the excess, and in default the Minister may suspend or cancel its license.

What funds liable for losses.

(3) All the property and assets of the company, including premium notes, shall be liable for all losses under contracts of insurance for cash premiums. R.S.O. 1897, c. 203, s. 140; 9 Edw. VII. c. 26, s. 46. *Amended*

EXECUTIONS AGAINST MUTUAL AND CASH-MUTUAL COMPANIES.

Execution against company.

**153**.—(1) No execution shall issue against a mutual or cash-mutual company upon a judgment until after the expiration of sixty days from the recovery thereof, but this section shall not apply to a judgment recovered on a contract of insurance where more than sixty per centum of the premium, or premium note, was paid in cash at the time of the insurance or the application therefor.

When it may be issued.

(2) A Judge of the High Court or the Master in Chambers, after the recovery of a judgment against the company, upon the application of the judgment creditor and upon notice to the company, may inquire into the facts, and if he finds that more than sixty per centum of the premium note was paid in cash at the time of the insurance, or upon the application therefor, he may direct that execution be issued forthwith upon such judgment. R.S.O. 1897, c. 203, s. 141.

GENERAL PROVISIONS RELATING TO CONTRACTS OF INSURANCE.

**154**. Except where otherwise provided, sections 155 to 158 shall apply to every contract of insurance. R.S.O. 1897, c. 203, s. 142. Application of sections 155 to 158.

**155**.—(1) Where the subject-matter of a contract of insurance is property, or an insurable interest in property, within Ontario, or is a person domiciled or resident therein, the contract of insurance, if signed, countersigned, issued or delivered in Ontario, or committed to the post office or to any carrier, messenger or agent, to be delivered or handed over to the assured, his assign or agent in Ontario, shall be deemed to evidence a contract made therein, and the contract shall be construed according to the law thereof, and all moneys payable under the contract shall be paid at the office of the chief officer or agent in Ontario of the insuring corporation, in lawful money of Canada. Contracts to be deemed made in Ontario.

(2) This section shall have effect notwithstanding any agreement, condition or stipulation to the contrary. R.S.O. 1897, c. 203, s. 143.

**156**.—(1) Subject to the provisions of section 193, all the terms and conditions of the contract of insurance shall be set out in full on the face or back of the policy or by writing securely attached to it when issued, and unless so set out, no term of the contract, or condition, stipulation, warranty or proviso, modifying or impairing its effect, shall be valid, or admissible in evidence to the prejudice of the assured or beneficiary. Terms, etc., of contracts invalid unless set out in full.

(2) Whether the contract does or does not provide for its renewal but it is renewed by a renewal receipt, it shall be a sufficient compliance with subsection 1, if the terms and conditions of the contract were set out as provided by that subsection and the renewal receipt refers to the contract by its number or date. Cost of renewal receipt.

(3) The proposal or application of the assured shall not as against him be deemed a part of or be considered with the contract of insurance except in so far as the Court may determine that it contains a material misrepresentation by which the insurer was induced to enter into the contract. What regard to be given to proposal.

(4) A registered friendly society instead of setting out all the terms and conditions of the contract in the instrument of contract, may indicate therein by particular references those articles or provisions of the constitution, by-laws or rules which contain the material terms of the contract not set out in the instrument of contract, and the society, at or prior to its delivery, shall also deliver to the assured a copy of the constitution, by-laws and rules therein referred to. Proviso.

(5)

Contract not to be invalidated by erroneous statement in application unless material.

(5) No contract of insurance shall contain or have endorsed upon it, or be made subject to, any term, condition, stipulation, warranty or proviso, providing that such contract shall be avoided by reason of any statement in the application therefor, or inducing the entering into of the contract by the corporation, unless such term, condition, stipulation, warranty or proviso is limited to cases in which such statement is material to the contract, and no contract shall be avoided by reason of the inaccuracy of any such statement, unless it is material to the contract.

Materiality, how decided.

(6) The question of materiality in any contract of insurance shall be a question of fact for the jury, or for the Court if there is no jury; and no admission, term, condition, stipulation, warranty or proviso to the contrary, contained in the application or proposal for insurance, or in the instrument of contract, or in any agreement or document relating thereto shall have any force or validity. R.S.O. 1897, c. 203, s. 144 (1-3). *Amended.*

Proviso.

(7) Nothing in this section shall impair the effect of the provisions of sections 194 to 201. R.S.O. 1897, c. 203, s. 144 (4); 4 Edw. VII. c. 15, s. 5. *Amended.*

Copy of proposal to be furnished to assured.

**157**. Every corporation shall furnish to the assured upon request a true copy of his application or proposal for insurance. *New.*

Consolidation of actions for insurance money.

**158**.—(1) Where several actions are brought for the recovery of money payable under a contract of insurance the Court may consolidate or otherwise deal therewith so that there shall be but one action for and in respect of all the claims made in such actions.

Where infants are entitled to insurance money.

(2) Where an action is brought to recover the share of one or more infants, all the other infants entitled, or the trustees, executors, or guardians entitled to receive payment of the shares of such other infants, shall be made parties to the action, and the rights of all the infants shall be determined in one action.

Apportionment of sums directed to be paid.

(3) In all actions where several persons are interested in the insurance money, the Court or Judge may apportion among the persons entitled any sum directed to be paid, and may give all necessary directions and relief.

Action for annuity or recurring payment.

(4) In an action commenced in a Division Court or a County or District Court for any insurance or benefit alleged to be payable to the assured or any beneficiary, assignee, representative or guardian, when the insurance or benefit claimed

claimed is in the nature of an annuity, or other periodical or recurring payment, so that the present or capitalized value of the insurance or benefit amounts or may amount to a sum beyond the jurisdiction of the Court, the action may upon the application of the defendant be removed into the High Court upon such terms and conditions as to costs and otherwise as the Court may direct. R.S.O. 1897, c. 203, s. 146.

When payee is domiciled or resident abroad.

(5) Where the person entitled to receive money due and payable under any contract of insurance except insurance of the person is domiciled or resides in a foreign jurisdiction, and payment, valid according to the law of such jurisdiction, is made to such person, such payment shall be valid and effectual for all purposes. 3 Edw. VII. c. 15, s. 4.

Effect of delivery of policy or receipt for premium.

**159.**—(1) Where the contract of insurance has been delivered it shall be as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer, who had not authority to deliver it. *New.*

Right of insurer in respect of unpaid premium.

(2) The insurer may sue for the unpaid premium and may deduct the same from the amount for which he may become liable under the policy or contract of insurance. *New.*

Section to prevail over agreement.

(3) This section shall have effect notwithstanding any agreement, condition or stipulation to the contrary. *New.*

Where note or cheque for premium not paid.

(4) Where the premium is paid by a cheque or a promissory note and the cheque is not paid on presentation or the promissory note at maturity the contract shall at the option of the insurer be void.

GUARANTEE INSURANCE.

Contracts of Title Insurance.

**160.**—(1) Every contract of title insurance shall be in writing, and in addition to the other requirements prescribed by this Act shall expressly limit the liability of the insurer to a sum stated in the contract.

Questions as to validity of title.

(2) If any question arises as to the validity of the title insured, or as to the liability of the insurer, the insurer or the assured or any person entitled to proceed in right of either may by application have such question determined as provided in *The Vendors and Purchasers' Act* in the case of vendors and purchasers. 4 Edw. VII. c. 15, s. 6.

10 Edw. VII. c. 53

**161.** No guarantee company incorporated under this Act shall undertake or transact title insurance or credit insurance unless expressly empowered to do so by the Letters Patent of Incorporation. 4 Edw. VII. c. 15, s. 2 (4), *part.*

INSURANCE OF THE PERSON.

1. *General provisions applicable to all Insurers.*

Application of secs. 163 to 190.

**162.** Sections 163 to 190 shall apply to insurance of the person. R.S.O. 1897, c. 203, s. 147.

"Heirs," "legal heirs," or "lawful heirs," meaning of

10 Edw. VII. c. 56.

**163.**—(1) In insurance of the person "heirs," "legal heirs" or "lawful heirs" shall in a contract of insurance mean and include all the lawful surviving children of the assured and also the wife or husband if surviving the assured, or where the assured died without lawful surviving children and unmarried, it shall mean those persons entitled to take according to *The Devolution of Estates Act.*

Application of section.

(2) This section shall in the case of an assured dying after the 19th day of March, 1910, apply to insurance of the person affected on or before the 13th day of April, 1897, and to all such insurances thereafter effected. R.S.O. 1897, c. 203, s. 2, par. 36; 7 Edw. VII. c. 36, s. 1; 10 Edw. VII. c. 26, s. 18 (2). *Amended.*

Days of grace for payment of premiums

**164.**—(1) Where the money payable by way of premiums, dues or assessments, not being the initial premiums, dues or assessments under a contract, is unpaid, the assured or any beneficiary under the contract, or the executors, administrators or assigns of the assured or of any beneficiary may within thirty days from and including the first day on which the money is due, pay, deliver or tender to the company at its head office, or at its chief agency in Ontario, or to the company's collector or authorized agent, the sum in default.

Transmission of premium by registered post.

(2) The payment, delivery or tender may be by sending the money in a registered letter, and it shall be deemed to have been paid, delivered or tendered at the time of the delivery and registration of the letter at a post office in Ontario.

Effect of payment during days of grace.

(3) On such payment, delivery or tender, the contract shall be *ipso facto* revived, notwithstanding any agreement or stipulation to the contrary.

To run concurrently with any credit allowed by insurer.

(4) Such thirty days shall run concurrently with the period of grace or credit if any allowed by the insurer for the payment of a premium or an instalment of premium.

Assessments by benefit societies.

(5) This section shall not extend the time allowed by subsection 1 of section 188 for the payment of contributions or assessments. R.S.O. 1897, c. 203, s. 148 (1). *Amended.*

Limitation of actions.

**165.**—(1) Subject to the provisions of section 89 and of subsections 2 to 9, notwithstanding any agreement, condition or stipulation to the contrary, any action or proceeding against the insurer for the recovery of any claim under the contract of insurance, may be commenced at any time within one year next after the cause of action arose and not afterwards.

Where death is presumed.

(2) Where death is presumed from the person on whose life the insurance is effected not having been heard of for seven years, any action or proceeding may be commenced within one year and six months from the expiration of such period of seven years, but not afterwards. R.S.O. 1897, c. 203, s. 148 (2); 1 Edw. VII. c. 21, s. 2 (3); 3 Edw. VII. c. 15, s. 5. *Amended.*

Where death becomes known.

(3) Where the death of the person on whose life the insurance is effected is unknown to the person entitled to claim under the contract an action or proceeding may be brought within one year and six months after the death becomes known to him but not afterwards, but where the death is presumed as mentioned in subsection 2, this subsection shall not entitle the claimant to bring an action or proceeding after the time mentioned in that subsection. *New.*

Where action prematurely brought.

(4) Where an action or proceeding brought within the prescribed period fails because of its having been prematurely brought and on that ground only, the plaintiff shall be entitled to bring a new action or proceeding at any time within the prescribed period or within six months after the final determination of the first action or proceeding. *New.*

Obtaining declaration of presumption of death.

(5) Where a claim is made against an insurer on the ground that the person on whose life the insurance is effected is presumed to be dead by reason of his not having been heard of for seven years, and his death is the sole issue between the parties other than disputes as to the persons entitled, such insurer may, before or after action brought, upon at least ten clear days' notice served on the claimant or his solicitor, apply to a Judge of the High Court in Chambers for a declaration as to the presumption of the death.

Application to Judge.

Finding of Judge.

(6) If the Judge is satisfied that a presumption of death has been established, he shall so find and his finding shall, subject to appeal, be binding and conclusive upon all parties interested as establishing the presumption of death, and he may make such order as to the payment of the insurance money as he may deem just.

Payment by insurer a discharge of liability.

(7) The payment by the insurer as so ordered shall discharge him from all liability under the contract of insurance.

Order where presumption not established.

(8) Where the Judge declares that the presumption of death has not been established he may make such other order as he may deem just.

Stay of proceedings.

(9) Unless otherwise ordered by the Judge the application shall operate as a stay of any pending action based upon such presumption. 7 Edw. VII. c. 36, s. 3.

Error in age not in void contract, but benefit to abate.

**166.**—(1) Where the age of a person is material to a contract of insurance and was given erroneously in any statement or warranty made for the purposes of the contract, such contract shall not be avoided by reason only of the age being other than as stated or warranted, if it appears that such statement or warranty was made in good faith and without any intention to deceive, but the person entitled to recover on such contract shall not be entitled to recover more than an amount which bears the same ratio to the sum that such person would otherwise be entitled to recover as the premium proper to the stated age bears to the premium proper to the actual age, both being taken as at the date of the contract, but in no case shall the amount recoverable exceed the amount stated or indicated in the contract.

Proviso.

Provided that where the application for and contract of insurance expressly limit the insurable age, and the actual age at the date of the application exceeds the age so limited, the contract shall, during the lifetime of the person on whose life the insurance was effected and not later than five years from the date of the contract, be voidable at the option of the insurer within thirty days after the error comes to his knowledge. R.S.O. 1897, c. 203, s. 149 (1). *Amended.*

Fractional part of a year.

(2) If the error includes a fractional part of a year exceeding a half year, such fractional part shall be computed as a whole year, but if the fractional part does not exceed a half year it shall be disregarded in the computation.

Where age is by agreement taken at greater than known age.

(3) Where by the terms and for the purposes of the contract, the age was taken to be greater than the actual age, the number of years added to such age shall, for the purposes of the calculation, be added to the actual age.

Error may be adjusted between insurer and assured at any time before maturity of contract.

(4) Where an error is discovered in respect of a contract of insurance, or of any premium paid or to be paid upon such contract, nothing herein contained shall at any time before the maturity of the contract prevent an adjustment between the insurer and the assured of the amount of the insurance effected

effected, or of any premium paid or to be paid. R.S.O. 1897, c. 203, s. 149 (3-5). *Amended.*

"Premium." (5) For the purposes of this section "premium" shall mean the net annual premium as shown in or deduced from the H^m Tables of the Institute of Actuaries of Great Britain, the rate of interest being taken at four and one-half per centum per annum. R.S.O. 1897, c. 203, s. 149 (2). *First part amended.*

Retrospective application. (6) This section shall apply not only to any future application for, or contract of insurance, but also to any application heretofore taken and to any contract heretofore made. 63 V. c. 17, s. 27.

Valuation tables. **167**. To facilitate the use of such Tables for any of the purposes of this Act such tables may be taken as they appear in any published edition or collection of standard actuarial or valuation tables, or in the appendices to the detailed reports of 1905 and 1906 of the Inspector of Insurance and Registrar of Friendly Societies printed by order of the Assembly. 1 Edw. VII. c. 21, s. 2 (4). *Amended.*

Suicide shall not render contestable an incontestable policy unless so stated. **168**. Where a contract of insurance provides in terms or in effect that the contract shall be indisputable or incontestable, it shall not be disputable or contestable on the ground that the assured committed suicide, unless in express terms it is so stipulated by the contract and is so stated in the application on which the contract is founded. 10 Edw. VII. c. 26, s. 18 (1). *First part.*

Insurable interest necessary to support contract. **169**.—(1) It shall be necessary for the validity of a contract of insurance that the beneficiary under it—if he is not the person on whose life the insurance is effected, or the parent, or *bona fide* donee, grantee or assignee, or a person entitled under the will of such person, or by operation of law—shall have at the date of the contract a pecuniary interest in the duration of the life or other subject insured, but any otherwise lawful contract of annuity upon life shall not require for its validity that the annuitant has or at any time had an insurable interest in the life of the nominee. R.S.O. 1897, c. 203, s. 150 (1).

Extent of liability. (2) Where a pecuniary interest is necessary the insurer shall not be liable under the contract for more than the amount or value of the pecuniary interest.

Sums insurable at ages less than ten. (3) No corporation shall insure the life of a child whose age at the time of insurance is not at least one year, or insure

or

or pay on the death of a child under ten years of age, any sum which alone or together with any sum payable on the death of such child by any other corporation exceeds respectively—

| | | | | | |
|---|---|---|---|---|---|
| $32— | If the child dies | under | the age of | 2 | years. |
| 40— | " | " | " | 3 | " |
| 48— | " | " | " | 4 | " |
| 56— | " | " | " | 5 | " |
| 83— | " | " | " | 6 | " |
| 120— | " | " | " | 7 | " |
| 160— | " | " | " | 8 | " |
| 200— | " | " | " | 9 | " |
| 260— | " | " | " | 10 | " |

Proviso

(4) Nothing in subsection 3 shall apply to such insurances as were in force on the 14th day of April, 1892, or to an insurance on the life of a child of any age where the person effecting the insurance has a pecuniary interest in the life. R.S.O. 1897, c. 203, s. 150 (2); 62 V., c. 21, s. 1. *Amended.*

Where insurance excessive.

(5) Where the age of the child is at the date of the contract less than ten years and the insurer has knowingly or without sufficient inquiry entered into any contract prohibited by this section, the premiums paid thereunder shall be recoverable from the insurer by the person paying the same together with interest thereon.

Subsecs 1 to 7 to appear on circular, etc.

(6) Every corporation which undertakes or effects insurances on the lives of children under ten years of age shall print subsections 1 to 6 in conspicuous type upon every circular soliciting, and upon every application for, and every contract of such insurance; and any contravention of this subsection shall be punishable in the manner provided by section 98.

Notice in lieu of printing subsections.

(7) Instead of printing the matter mentioned in subsection 6 the corporation may with the consent in writing of the Superintendent print or stamp the following words in lieu thereof:—"Any insurance undertaken or offered to be undertaken in Ontario in respect of the lives of children under ten years of age is subject to the restrictions prescribed by section 169 of *The Ontario Insurance Act.*"

Insurance effected by parents upon the lives of minor children generally.

(8) An insurance heretofore or hereafter effected by a parent upon the life of his child under twenty-one years of age, shall not be invalid by reason only of the parent's want of pecuniary interest in the life of the child.

(9)

Minors of fifteen years and upwards competent to effect insurance on their own lives and give discharge.

(9) A person not of the full age of twenty-one years, but of the age of fifteen years or upwards, may effect insurance on his own life, for his own benefit, or for the benefit of a preferred beneficiary or of a brother or sister, which, if he had been of full age he might have lawfully effected, and notwithstanding his minority he may surrender such insurance or give a valid discharge for any benefit accruing or for money payable under the contract. R.S.O. 1897, c. 203, s. 150 (3-6). *Amended.*

Application of ss. 171 to 182.

**170**. Except in so far as the same are inconsistent with the provisions of this Act relating to contracts made or declared to be for the benefit of a preferred beneficiary or preferred beneficiaries, sections 171 to 182 shall apply to all contracts of insurance of the person and declarations whether made before or after the passing of this Act. *New.*

Insurable interest in one's own life.

**171**.—(1) Every person of the full age of twenty-one years shall have an unlimited insurable interest in his own life and may effect *bona fide* at his own charge insurance of his own person for the whole term of life, or any shorter term for the sole or partial benefit of himself, or of his estate, or of any other person, whether the beneficiary has or has not an insurable interest in the life of the assured, and the insurance money may be made payable to any person for his own use or as trustee for another person. R.S.O. 1897, c. 203, s. 151 (1). *Amended.*

Frauds in payment of premiums.

(2) If the premiums on such insurance were paid by the assured with intent to defraud his creditors, they shall be entitled to receive out of the insurance money an amount not exceeding the premiums so paid and interest thereon. R.S.O. 1897, c. 203, s. 151 (2). *Amended.*

Beneficiary how designated.

(3) The assured may designate the beneficiary by the contract of insurance or by an instrument in writing attached to or endorsed on it or by an instrument in writing, including a will, otherwise in any way identifying the contract, and may by the contract or any such instrument, and whether the insurance money has or has not been already appointed or apportioned, from time to time appoint or apportion the same, or alter or revoke the benefits, or add or substitute new beneficiaries, or divert the insurance money wholly or in part to himself or his estate, but not so as to alter or divert the benefit of any person who is a beneficiary for value, nor so as to alter or divert the benefit of a person who is of the class of preferred beneficiaries to a person not of that class or to the assured himself, or to his estate. R.S.O. 1897, c. 203, s. 151 (3); 1 Edw. VII. c. 21, s. 2 (5). *Amended.*

Effect of declaration by will

(4) Where the instrument by which a declaration is made is a will such declaration as against a subsequent declaration shall be deemed to have been made at the date of the will and not at the death of the testator. *New.*

Operation of general declaration.

(5) Where the declaration describes the subject of it as the insurance or the policy or policies of insurance or the insurance fund of the assured, or uses language of like import in describing it, the declaration, although there exists a declaration in favour of a member or members of the preferred class of beneficiaries, shall operate upon such policy or policies to the extent to which the assured has the right to alter or revoke such last mentioned declaration. *New.*

Appointment of trustees

(6) The assured may, by the contract or by a declaration, or by any writing under his hand, appoint a trustee or trustees of the insurance money and may from time to time revoke such appointment in like manner, and appoint a new trustee or trustees and make provision for the appointment of a new trustee or trustees, and for the investment of the insurance money, and payment made to such trustee or trustees shall discharge the insurer. R.S.O. 1897, c. 203, s. 155 (1). *Amended.*

Beneficiary for value.

(7) A beneficiary shall be deemed to be a beneficiary for value only when he is expressly stated to be so in the contract, or in an endorsement thereon signed by the assured. R.S.O. 1897, c. 203, s. 151 (3); 1 Edw. VII. c. 21, s. 2 (5). *Amended.*

Other modes of assignment not affected.

(8) Nothing in this Act shall restrict or interfere with the right to effect or assign a policy in any other manner allowed by law. R.S.O. 1897, c. 203, s. 151 (5). *Amended.*

Provision in case of death of persons entitled where no apportionment.

(9) Where there are several beneficiaries, if one or more of them die in the lifetime of the assured and no apportionment or other disposition is subsequently made by him, the insurance shall be for the benefit of the surviving beneficiary or beneficiaries in equal shares if more than one; and if all the beneficiaries, or the sole beneficiary, die in the lifetime of the assured, and no other disposition is made by him, the insurance shall form part of the estate of the assured. R.S.O. 1897, c. 203, s. 151 (6). *Amended.*

Protection of insurer in paying insurance before notice of declaration.

(10) Until the insurer has received the original or a copy of an instrument in writing affecting the insurance money or any part thereof, or of any appointment or revocation of an appointment of a trustee, the insurer may deal with and obtain a valid discharge from the assured, or with and from

his

his beneficiaries, or with and from his trustees, executors, administrators or assigns in the same manner and with the like effect as if such instrument in writing, appointment, or revocation had not been made, but nothing in this subsection shall affect the right of any person entitled by virtue of such instrument, appointment, or revocation to recover insurance money from the person to whom it has been paid by the insurer. R.S.O. 1897, c. 203, s. 151 (7). *Amended.*

What accident includes.

**172.**—(1) In every contract of insurance against accident or casualty, or disability, total or partial, the event insured against shall include any bodily injury occasioned by external force or agency, and happening without the direct intent of the person injured, or as the indirect result of his intentional act, such act not amounting to voluntary or negligent exposure to unnecessary danger and no term, condition, stipulation, warranty or proviso of the contract varying the obligation or liability of the assurer shall as against the assured have any force or validity. R.S.O. 1897, c. 203, s. 152 (1). *Amended.*

Right to terminate contract of insurance against sickness.

(2) In any such contract and in any contract of insurance against sickness, if the insurer reserves the right to terminate it during its currency, the assured shall have the right to terminate it by giving seven days' notice to the insurer, in which case the insurer may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the residue of the premium paid by him, notwithstanding any stipulation or agreement to the contrary. R.S.O. 1897, c. 203, s. 152 (2). 9 Edw. VII. c. 26, s. 16, *Amended.*

Maximum named in contract shall prima facie be payable.

**173.**—(1) Where the event on the occurrence of which any benefit or insurance money is payable under the contract has happened, but the amount payable is in dispute, it shall *prima facie* be the maximum amount stated or indicated in the contract. R.S.O. 1897, c. 203, s. 153 (1). *Amended.*

Where maximum not paid claimant entitled to inspect insurer's books.

(2) If, when a claim accrues under a contract, the insurer offers the claimant a less sum than the maximum named or indicated in the contract, and either offers no explanation, or alleges as a reason for not paying the maximum, that the insurer's general contract fund or some other fund is insufficient, the claimant, on written notice to the insurer, shall be entitled, as of right, to inspect personally or by agent all books and documents relating to the contract funds generally, or the fund alleged to be insufficient. R.S.O. 1897, c. 203, s. 153 (2). *Amended.*

Claimant may have order from Superintendent to inspect.

(3) If the insurer refuses or neglects to afford the claimant a reasonable opportunity of inspection, the claimant may file with the Superintendent an affidavit to the effect that he

rightfully

rightfully claims under a contract of the insurer, giving particulars sufficient to identify the contract, and that the insurer has not afforded him such opportunity of inspection, and the Superintendent may, under his hand and seal, give the claimant or his agent an order to inspect on a day named; and neglect or refusal thereafter to afford him an opportunity of inspection shall be an offence, punishable in the manner provided by section 98. R.S.O. 1897, c. 203, s. 153 (3). *Amended.*

Insurance money, how payable.

**174**. When the insurance money becomes payable, it shall be paid within the time mentioned in section 89; and where the insurance money or part thereof is for the benefit, in whole or in part, of infants, before paying the money to which they are entitled the insurer may require reasonable proof of the number, names and ages of such infants. R.S.O. 1897, c. 203, s. 154. *Amended.*

Proof of ages, etc., of infants.

Where no trustee, payment of shares of infants.

**175**.—(1) If no trustee of the insurance money is named or appointed, shares of infants may be paid to the executors of the assured, or to a guardian of the infants appointed by the Surrogate Court, or by the High Court, or to a trustee appointed by the last named court upon the application of the widow of the assured, or of the infants, or of their guardian, and such payment shall be a discharge to the insurer. R.S.O. 1897, c. 203, s. 155 (2). *Amended.*

Security by guardian.

(2) Subject to subsection 3 a guardian appointed under subsection 1 shall give security to the satisfaction of the Court for the faithful performance of his duty and for the proper application of any money which he may receive.

Appointment of mother without security.

(3) Where insurance money not exceeding $3,000 is payable to the wife and children of the assured, and some or all of the children are infants, the court may appoint the widow of the assured, if she is the mother of such infants, as their guardian without security. R.S.O. 1897, c. 203, s. 155 (3). *Amended.*

Investment of shares.

Application of infants' shares.

(4) A trustee, subject to the terms of the trust instrument, or an executor or guardian may invest the money received in any security in which trustees under the law of Ontario may invest trust funds, and may from time to time alter, vary and transpose the investments; and where the money is held for infants, may also apply all or part of the

annual

annual income arising from the share or presumptive share of each of the infants, in or towards his maintenance and education, in such manner as the trustee, executor or guardian thinks fit, and may also with the approval of the High Court or a Judge thereof, advance to and for any of the infants, notwithstanding his minority, the whole or any part of his share for his advancement or preferment in life or on his marriage. R.S.O. 1897, c. 203, s. 155 (5). *Amended.*

Insurer may pay money into court.

**176.**—(1) If there is no trustee, executor, guardian or committee competent to receive the share of an infant or lunatic at the time of the maturity of the contract, and the insurer admits the claim or any part thereof, he shall pay such share into the High Court to the credit of the infant or lunatic, and such payment shall be a sufficient discharge to the insurer for the money paid, and the money shall be dealt with as the Court may direct. R.S.O. 1897, c. 203, s. 157 (1). *Amended.*

(2) An order allowing the payment into Court shall not be necessary, but the payment shall be made with the privity of the Accountant of the Supreme Court.

Names and ages of infants.

(3) In the case of an infant the insurer shall at the time of payment into court file with the Accountant an affidavit shewing the name and the date of birth of the infant. *New.*

Notice of payment into court.

(4) Notice of the payment into Court shall be forthwith given by the insurer to the official guardian. *New.*

Costs.

(5) The insurer may deduct from the share of the infant or lunatic, $5 for the costs of making the payment into Court.

Where claim admitted, but money not paid.

(6) If the insurer does not within sixty days after the claim has been admitted, either pay the insurance money to some person competent to receive it or pay it into Court, the High Court or a Judge thereof may upon the application of a person competent to receive the money or by some other person on behalf of the infant, or lunatic, order the insurance money, or any part thereof, to be paid to any trustee, executor, guardian or committee, competent to receive the same, or to be paid into Court to be dealt with as the Court may direct, and any such payment shall be a discharge to the insurer. R.S.O. 1897, c. 203, s. 157 (2). *Amended.*

Death of assured abroad, payment to foreign representative.

**177.**—(1) Where under a contract made or by law deemed to be made in Ontario, or a contract made by a corporation having its head office or chief agency in Ontario, the insur-

ance

ance money is payable to the representatives of a person who at his death was domiciled or resident in a foreign jurisdiction, if no person has become his personal representative in Ontario, the money may on the expiration of two months after such death be paid to the personal representative appointed by the proper court of the foreign jurisdiction.

When contract directs payment to foreign representative

(2) Where such a contract provides that the insurance money may be paid to the personal representative appointed by the court of the jurisdiction in which the deceased may be resident or domiciled at the time of his death, the money may be paid to such representative or according to the terms of the contract at any time after the death.

Intestacy; payment (without representation) according to foreign law

(3) Where under such a contract the insurance money is payable to the representatives of a person who at the time of his death was domiciled or resident in a foreign jurisdiction and died intestate, the money may after the expiration of three months after such death, if no person has become his personal representative in Ontario, be paid to the person entitled according to the law of the foreign jurisdiction to receive the money and give a discharge for the same as if such money were by the terms of the contract payable in such foreign jurisdiction.

Testacy; payment according to foreign law

(4) Where a testator domiciled or resident in a foreign jurisdiction disposes of the insurance money by a will valid according to the law of that jurisdiction, such money may be paid according to the terms of the contract at any time after the death, to the person entitled under such will to receive and give a valid discharge for money payable in such foreign jurisdiction.

Where guardian appointed by foreign court.

(5) Where it appears by letters of guardianship or other like document, relating to persons under disability, issued by a court in a foreign jurisdiction, or by a certificate of the Judge under the seal of such court, that it has been shewn to the satisfaction of such court that the assured at the maturity of the contract was domiciled or resident within its jurisdiction, and it also appears that security to the satisfaction of such court in respect of and for the due application and account of the money payable under the contract has been given by the guardian or other like officer appointed by such letters or document, the High Court or a Judge thereof upon application for the appointment of such guardian or like officer as trustee under this section, may dispense with the giving of security, if it is also shewn that the infants or other beneficiaries under disability reside within the jurisdiction of the foreign court, and that the trustee is a fit and proper person.

(6)

(6) This section shall apply whether the death has or has not occurred before the passing of this Act. R.S.O. 1897, c. 203, s. 156. *Amended.* Application of section.

*Provisions Applicable to Preferred Beneficiaries.*

**178.**—(1) Preferred beneficiaries shall constitute a class and shall include the husband, wife, children, grand-children and mother of the assured, and the provisions of this and the following three sections shall apply to contracts of insurance for the benefit of preferred beneficiaries. R.S.O. 1897, c. 203, s. 159 (2). *Amended.* Who shall constitute preferred beneficiaries.

(2) Where the contract of insurance or declaration provides that the insurance money or part thereof, or the interest thereof, shall be for the benefit of a preferred beneficiary or preferred beneficiaries, such contract or declaration shall, subject to the right of the assured to apportion or alter as hereinafter provided, create a trust in favour of such beneficiary or beneficiaries, and so long as any object of the trust remains, the money payable under the contract shall not be subject to the control of the assured, or of his creditors, or form part of his estate, but this shall not interfere with any transfer or pledge of the contract to any person prior to such declaration. R.S.O. 1897, c. 203, s. 159 (1). *Amended.* Where trust created by the provisions of the contract for benefit of preferred beneficiaries.

(3) Where two or more beneficiaries are designated but no apportionment is made, all of them shall share equally, and where it is stated in the contract or declaration that the insurance is for the benefit of the wife of the assured only, or of his wife and children generally, or of his children generally, the word "wife" shall mean the wife living at the maturity of the contract and the word "children" shall include as well all the children of the assured living at the maturity of the contract, whether by his then or any former wife, as the children living at the maturity of the contract of any child of the assured who predeceased him, such last mentioned children taking the share their parent would have taken if living, and the like construction shall prevail where the insurance is effected by a man while unmarried or a widower for the benefit of his future wife or his future wife and children or of his children. R.S.O. 1897, c. 203, s. 159 (6) and (7). *Amended.* Insurance for benefit of future wife—or wife and children.

(4) Subsection 3 shall apply, whether or not the wife is designated by name or where the wife is designated by name and predeceases him the assured may revoke or alter such Where assured has re-married after designation.

designation

designation as if the wife were not of the class of preferred beneficiaries.

Where assured unmarried or widower without issue

(5) Where an unmarried man or a widower effects or declares the contract to be for the benefit of his future wife, or of his future wife and children or of his children, but at maturity of the contract the assured is still unmarried, or is a widower without issue, the insurance money shall form part of his estate. R.S.O. 1897, c. 203, s. 159 (5). *Amended.*

Where assured does not marry the specified beneficiary.

(6) Where an unmarried man or a widower effects or declares the contract to be for the benefit of his future wife, or future wife and children, and the intended wife is designated by name, or is otherwise clearly ascertained in the contract, but the intended marriage does not take place, all questions arising on such contract shall be determined as in the case of a beneficiary not belonging to the preferred class. R.S.O. 1897, c. 203, s. 159 (6). *Amended.*

Where apportionment made, but beneficiary predeceases assured.

(7) If one or more or all of the designated preferred beneficiaries, whether an apportionment has been made or not, die in the lifetime of the assured, he may by a declaration provide that the share or shares of the person or persons so dying shall be for the benefit of the assured or of his estate or of any other person, whether or not such person belongs to the preferred class; and in the absence of any such declaration the share or shares of the person or persons so dying shall be for the benefit, in equal shares, of the survivor or survivors of such designated preferred beneficiaries, except where the person so dying is a child of the assured, and leaves a child or children surviving him, in which case his share and any share to which he would have become entitled if he had survived, shall be for the benefit of his child or children, in equal shares, and if there is no such surviving beneficiary and no such child entitled to take, the insurance shall be for the benefit in equal shares of the children of the assured living at his death and the child or children of any deceased child who shall be entitled to the share which the parent if then living would have taken, and if there is no surviving child or grandchild the insurance money shall form part of the estate of the assured. R.S.O. 1897, c. 203, s. 159 (8). *Amended.*

Assured may vary benefit or beneficiary.

**179.**—(1) The assured may by a declaration vary a contract or declaration previously made so as to restrict, extend, transfer or limit the benefits of the insurance to any one or more persons of the class of preferred beneficiaries to the exclusion of any or all others of the class or wholly or partly to one or more for life, or any other term, with remainder to

any

any other or others of the class, but the assured shall not except as provided by subsection 7 of section 178 revoke or alter any disposition made under the provisions of this Act in favour of any one or more of the preferred class except in favour of some one or more persons within the preferred class so long as any of the persons of the preferred class in whose favour the contract or declaration is made are living. R.S.O. 1897, c. 203, s. 160 (1). *Amended.*

Where beneficiary under friendly society contract is leading a criminal or immoral life.

(2) Where it is proved to the satisfaction of the executive officers of a friendly society that a preferred beneficiary is leading a criminal or an immoral life, and there is no other person to whom the assured may under the provisions of this Act divert the benefit, the assured may, with the consent of such executive officers, by a declaration, provide that all right, title and interest of such beneficiary is forfeited and annulled; and thereupon such right, title and interest shall be forfeited and annulled accordingly; and the assured may then or thereafter make a new appointment in accordance with the provisions of this Act and the lawful rules of the society. R.S.O. 1897, c. 203, s. 160 (3). *Amended.*

Case of other contracts.

(3) Where the contract is made by an insurer other than a friendly society, upon petition, and upon the like facts as in subsection 2 mentioned being proved to the satisfaction of the High Court or a Judge thereof, the court or judge may make an order annulling the benefit and granting such other relief as under the circumstances appears proper. R.S.O. 1897, c. 203, s. 160 (4). *Amended.*

Power to convert into paid-up policy.

**180.**—(1) Where the assured finds himself unable to continue to meet the premiums, he may surrender the contract to the insurer, and accept in lieu thereof a paid-up contract for such sum as the premiums paid would represent, payable as the money insured by the original contract, if not surrendered, would have been payable; and the insurer may accept the surrender and issue the paid-up contract notwithstanding any declaration in favour of a preferred beneficiary. R.S.O. 1897, c. 203, s. 158 (1). *Amended.*

Power to borrow on the policy.

(2) Notwithstanding the designation of a preferred beneficiary, the assured may, from time to time, borrow from the insurer, or from any other person on the security of the contract, such sums as may be necessary and shall be applied to keep it in force, and on such terms and conditions as may be agreed on; and the sums so borrowed, together with such interest as may be agreed on, shall be a first lien on the contract and on all moneys payable thereunder. R.S.O. 1897, c. 203, s. 158 (2). *Amended.*

(3)

Beneficiary for value not prejudiced.

(3) Nothing in this section shall authorize anything to be done to the prejudice of a beneficiary for value. *New.*

Assured may direct application of bonuses and profits.

**181.**—(1) Notwithstanding that the insurance money may be payable to preferred beneficiaries or to a trustee for preferred beneficiaries, the assured may, in writing, require the insurer to pay the bonuses or profits, or portions thereof, accruing under the contract, to the assured, or to apply the same in reduction of the annual premiums payable by him in such way as he may direct; or to add such bonuses or profits to the benefit; and the insurer shall pay or apply such bonuses or profits as the assured directs; and according to the rates and rules established by the insurer; but the insurer shall not be obliged to pay or apply such bonuses or profits in any manner contrary to the stipulations in the contract or the application therefor. R.S.O. 1897, c. 203, s. 161 (1). *Amended.*

Surrender of contract.

(2) Where a contract of insurance is made or declared to be for the benefit of one or more preferred beneficiaries and all of them are of full age, they and the assured may surrender the contract or may assign the same either absolutely or by way of security. R.S.O. 1897, c. 203, s. 161 (2). *Amended.*

Power of assured and adults to deal with policy.

(3) Where such preferred beneficiaries include children or grandchildren it shall be sufficient so far as their interests are concerned if all then living are of full age and join in the surrender or assignment. R.S.O. 1897, c. 203, s. 158 (3). *Amended.*

Who deemed person entitled to benefit of policy.

(4) Where a person is entitled to a benefit only in the event of the death of another person named as a beneficiary, it shall be sufficient for the purposes of this section if such last-mentioned person joins in the surrender or assignment. R.S.O. 1897, c. 203, s. 158 (4). *Amended.*

Declaration changing beneficiaries not affected by previous trust.

**182.** A declaration changing the preferred beneficiaries or altering, apportioning or varying the benefits of the insurance may be made notwithstanding that by the contract of insurance or a previous declaration the insurance money is payable to a trustee for preferred beneficiaries. *New.*

*Additional provisions applicable to Friendly Societies only.*

Application of sections 184 to 190.

**183.** The provisions contained in sections 184 to 190 shall apply only to registered friendly societies. R.S.O. 1897, c. 203, s. 162.

Filing and certifying rules.

**184.**—(1) Upon the incorporation of a society a duplicate or a copy of the rules thereof filed with the Registrar and certified by him shall be filed with the Provincial Registrar. *New.*

Officially certified rules.

(2) A copy certified by the Registrar of any revision or amendment of the rules directed or assented to by him, shall be filed in the office of the Provincial Registrar. R.S.O. 1897, c. 203, s. 163 (3). *Part amended.*

Certified rules to be those in force.

(3) The rules and any revision or amendment thereof so certified shall, notwithstanding the declaration or other instrument filed under any general or special Act, be deemed to be the rules in force on, and after the date of the certificate until a subsequent revision or amendment is in like manner certified and filed, and so from time to time; and shall be binding and obligatory upon all members of the society. R.S.O. 1897, c. 203, s. 163 (3). *Part amended.*

Rules deliverable on demand.

(4) A copy of all rules of a society relating to its insurance contracts and to the management and application of its insurance funds shall be delivered by the society to every person on demand, on payment of twenty-five cents. R.S.O. 1897, c. 203, s. 163 (1).

Delivery of untrue rules

(5) If an officer or agent of a society, with intent to mislead or defraud, gives to any person a copy of rules other than the rules then in force, on the pretence that the same are the rules then in force, he shall incur a penalty not exceeding $200 and not less than $20 recoverable under *The Ontario Summary Convictions Act;* and in the case of a second or any subsequent conviction shall be liable to imprisonment for any term not exceeding six months. R.S.O. 1897, c. 203, s. 163 (2). *Amended.*

Substitution of instalments for gross payment.

**185.**—(1) Where by the constitution and rules of a society provision is made for the payment of an ascertained or ascertainable sum to a member of the society in the event of his becoming totally disabled, or of his reaching a stated age, or upon the concurrence of both events, whether such provision is combined with other life insurance or not, such society may with the approval of the Registrar so amend its constitution and rules as to provide for the payment of such sum in equal consecutive annual instalments without interest, the payment of such instalments to be completed within

a period not exceeding ten years from the happening of the event.

Amendments of rules validated

(2) All such amendments which have heretofore been or which may hereafter be made by any society pursuant to the provisions of the constitution and rules, shall be valid and binding upon all its members and upon all their beneficiaries and legal personal representatives and upon every one entitled, notwithstanding anything to the contrary in the instrument of incorporation of the society or the previous provisions of its constitution and rules.

When assured dies before receiving all instalments

(3) If a member of such society dies after becoming totally disabled or reaching the stated age, but before the payment of all instalments, the instalments unpaid shall form part of the insurance money or benefits payable upon the death of such member. 3 Edw. VII. c. 15, s. 8. *Redrafted.*

Unmatured policies no liabilities

(4) No unmatured policy or contract of insurance shall create any claim or liability against the society, while a going society, or against the estate of the society in a winding up or liquidation under this Act, but in a winding up or liquidation the person assured or beneficiary for value under such unmatured policy or contract shall be entitled to share in the surplus assets of the society. 1 Edw. VII. c. 21, s. 1 (2). *Part amended.*

Holding meetings of friendly societies in another Province

**186**. Notwithstanding anything to the contrary contained in its instrument of incorporation, or in any Act under which it was incorporated, any society, when so authorized, by its constitution and rules, may hold its meetings annually or otherwise, at any place it may from time to time select, in Ontario or in any other Province of Canada in which it has a subordinate lodge or branch. 7 Edw. VII. c. 36, s. 6. *Amended.*

Limitation of member's liability in friendly society

**187**.—(1) The liabilities of a member under his contract shall at any date be limited to the assessments, fees and dues which became payable within the preceding twelve months and of which at such date notice had been given in accordance with the constitution and rules of the society.

Withdrawal of member.

(2) A member may at any time withdraw from the society by delivering or sending by registered post to the society notice in writing of his intention to withdraw and paying or tendering the assessments, fees and dues mentioned in subsection 1.

(3)

(3) After such withdrawal the member shall become thereby released from all further liability under his contract. Release from liability.

(4) This section shall be subject to the provisions of any rule to the contrary assented to by the Registrar and filed with the Provincial Registrar as hereinbefore provided. R.S.O. 1897, c. 203, s. 164. *Redrafted.* Subject to rules.

**188.**—(1) No forfeiture or suspension shall be incurred by reason of any default in paying any contribution or assessment, except such as are payable in fixed sums and at fixed dates, until after notice to the member stating the amount due by him, and that in case of default of payment within a reasonable time, not less than thirty days, to the proper officer, who shall be named in such notice, his interest or benefit will be forfeited or suspended, and default has been made by him in paying his contributions or assessment in accordance with such notice. Notice before forfeiture of benefit.

(2) "Fixed dates" in subsection 1 shall include any numbered day, or any Monday, Tuesday, or as the case may be, numbered, alternate, or recurring, of a stated month or months. R.S.O. 1897, c. 203, s. 165 (1). "Fixed dates."

(3) Where under the constitution or rules or by-laws of the society a defaulting member is entitled to be reinstated on payment of arrears, after a stated number of days' default, this section shall not prejudice the rights of such member. R.S.O. 1897, c. 203, s. 165 (3). Proviso.

**189.**—(1) Where it is stipulated that the benefit of the contract shall be suspended or reduced or forfeited for any other reason than for non-payment of money, such condition shall not be valid, unless it is held to be just and reasonable under the circumstances of the case. R.S.O. 1897, c. 203, s. 165 (4). *Part amended.* Conditions of forfeiture to be just and reasonable.

(2) In any contract of which total abstinence from intoxicating liquors is made an express condition, such condition shall be deemed to be just and reasonable. R.S.O. 1897, c. 203, s. 165 (4). *Part amended.* Condition as to total abstinence.

**190.** Any notice required to be given to a member for any purpose of this Act or of the rules of the society may be effectually given if written or printed notice is delivered, or is sent by registered post to the member, or is left at his last known place of abode or of business. R.S.O. 1897, c. 203, s. 165 (2). Notice, what to be deemed effectual giving of.

CONTRACTS OF FIRE INSURANCE.

*General Provisions.*

Property which may be insured.

**191.**—(1) Every company licensed and registered for the transaction of fire insurance may, within the limits and subject to the restrictions prescribed by the license and registry, insure or reinsure any property in which the assured has an insurable interest against damage or loss by fire, lightning, or explosion, whether the same happens by accident or any other means, except that of design on the part of assured. R.S.O. 1897, c. 203, s. 166. *Redrafted.*

Defects in or injuries to fire appliances.

(2) A company registered under this Act for the transaction of fire insurance, and insuring any mercantile or manufacturing risk, may either by the same or by a separate contract insure the same risk against loss or damage arising from defects in or injuries to sprinklers or other fire extinguishing appliances. 4 Edw. VII. c. 15, s. 8.

Terms of contracts.

**192.**—(1) Contracts shall not exceed the term of three years; and the insurance of mercantile and manufacturing risks shall, if on the cash system, be for a term not exceeding one year, but contracts of mutual fire insurance by any mutual or cash-mutual fire insurance company incorporated before the first day of June, 1904, may be for any term not exceeding four years. R.S.O. 1897, c. 203, s. 167 (1); 4 Edw. VII. c. 15, s. 9.

Proviso.

Renewing contracts.

(2) Any contract made for one year or any shorter period on the premium note system, or for three years or any shorter period on the cash system may be renewed at the discretion of the directors by renewal receipt instead of by policy, on the insured paying the required premium, or in the case of a contract on the premium note system by giving a new premium note; and any payment by cash or premium note for renewal shall be made at or before the end of the period for which the policy was granted or renewed, otherwise the policy shall be null and void. R.S.O. 1897, c. 203, s. 167 (2). *Amended.*

New premium note by assignee.

(3) In case of an assignment of a policy on the premium note plan, a new premium note made by the assignee shall be taken, and the former note, after all arrears are paid, shall be surrendered by the company. *New.*

What to appear on face of fire policy.

**193.**—(1) On the face of a policy of fire insurance there shall appear the name of the insurer, the name of the assured, the name of the person or persons to whom the insurance money is payable, the premium or other consideration, for the

insurance

insurance, the subject matter of the insurance, the maximum amount or amounts which the insurer contracts to pay, the event on the happening of which payment is to be made and the term of the insurance. *New.*

(2) A policy may contain a co-insurance clause, but any such policy shall have printed or stamped across its face in large type and in red ink the words, "This policy contains a Co-insurance Clause," and if these words are not so printed or stamped such clause shall not be binding on the assured. *New.* Co-insurance.

(3) Any stipulation or term of the contract, other than those above stated, if held by a Court or a Judge before whom a question relating thereto is tried to be not just and reasonable, shall not be binding on the assured. *New.* Stipulations and terms held not just and reasonable.

*Statutory Conditions and Provisions Relating Thereto.*

**194.** The conditions set forth in this section shall, as against the insurer, be deemed to be part of every contract in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every policy with the heading *Statutory Conditions,* and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 195 and 196 R.S.O. 1897, c. 203, s. 168. *First part.* Statutory conditions to be part of every policy unless varied.

*Statutory Conditions.*

DIVISION I.

1. If any person insures property, and causes the same to be described otherwise than as it really is to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made known to the company, in order to enable it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made. R.S.O. 1897, c. 203, s. 168, par. 1. Misrepresentation or omission.

2. Any change material to the risk, and within the control or knowledge of the assured, shall avoid the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified may return the unearned portion, if When a change as to risk shall avoid a policy. Notice of change, etc.

any

any, of the premium which has been paid for the unexpired period and cancel the policy, or may demand in writing an additional premium, which the assured shall, if he desires the continuance of the policy, forthwith pay to the company; and if he neglects to make such payment forthwith after receiving such demand, the policy shall be no longer in force. R.S.O. 1897, c. 203, s. 168, par. 3.

Change of property

3. If the property insured is assigned without a written permission indorsed hereon by an agent of the company duly authorized for such purpose, the policy shall thereby become void; but this condition does not apply to change of title by succession or by the operation of the law, or by reason of death. R.S.O. 1897, c. 203, s. 168, par. 4.

Money, securities, etc.

4. Money, books of account, securities for money, and evidences of debt or title, are not insured. R.S.O. 1897, c. 203, s. 168, par. 6.

Prior or subsequent insurance

5. If the assured now has any other insurance on any property covered by this policy which is not disclosed to the company or hereafter effects any other insurance thereon without the written assent of the company, he shall not be entitled to recover in excess of sixty per cent. of the loss or damage in respect of such property; but if for any fraudulent purpose the assured does not disclose such other insurance to the company this policy shall be void.

(*a*) If within two weeks after written notice of such other insurance or of any intended insurance, or after that time and before such other insurance is effected, the company does not dissent by notice in writing to the assured, it shall be deemed to have assented thereto. *New.* (*See* R.S.O. 1897, c. 203, s. 168. Stat. Cond. 8.)

When company not to be liable.

6. The company is not liable for the losses following, that is to say:

Liability in case of non-ownership

(*a*) For the loss of property owned by any other person than the assured, unless the interest of the assured is stated in or upon the policy;

Riot, invasion, etc.

(*b*) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;

(*c*)

(*c*) Where the insurance is upon buildings or their contents—for loss caused by the want of good and substantial brick or stone or cement chimneys; or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels; or by stoves or stovepipes being, to the knowledge of the assured, in an unsafe condition or improperly secured; Chimneys, ashes, stoves.

(*d*) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary; Goods to which fire heat is being applied.

(*e*) For loss or damage occurring to buildings or to their contents while the buildings are being altered or repaired by carpenters, joiners, plasterers or other workmen, and in consequence thereof, unless permission to execute such repairs has been previously granted in writing, signed by a duly authorized agent of the company, but fifteen days are allowed in each year for incidental alterations or repairs, without such permission. Repairs by carpenters, etc.

(*f*) For loss or damage occurring while petroleum, or rock, earth or coal-oil, camphene, gasoline, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding five gallons in quantity, or lubricating oil not being crude petroleum nor oil of less specific gravity than required by law for illuminating purposes, not exceeding five gallons in quantity, excepted), or more than twenty-five pounds weight of gunpowder is or are stored or kept by the assured or to his knowledge by any other person under his control, in the building insured or containing the property insured, unless permission is given in writing by the company. R.S.O. 1897, c. 203, s. 168, par. 10. Gunpowder, coal oil, etc.

7. Any written notice to the company may be delivered at the head office or chief agency of the company in Ontario, or sent by registered post addressed to the company, its manager or agent, at such head office or chief agency or may be delivered or sent by registered post to an authorized agent of the company. R.S.O. 1897, c. 203, s. 168, par. 23. What constitutes written notice.

DIVISION II.

Policy sent to be deemed as applied for unless variance pointed out

8. After application for insurance it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application, unless the company points out in writing, the particulars wherein the policy differs from the application. R.S.O. 1897, c. 203, s. 168, par. 2.

Apportionment of loss among insurers

9. In the event of there being any other insurance on property herein described at the time of the happening of any loss or damage in respect thereof, then this company shall be liable only for the payment of a rateable proportion of such loss or damage or of such amount as the assured shall be entitled to recover as provided by Condition No. 5. R.S.O. 1897, c. 203, s. 168, par. 9. *Amended.*

Explosion. Lightning.

10. The company will make good loss or damage caused by the explosion of coal or natural gas in a building not forming part of gas works, and loss or damage by fire caused by any other explosion or loss or damage caused by lightning, whether fire ensues therefrom or not, but if dynamos, exciters, lamps, switches, motors, or other electrical appliances or devices are insured any loss or damage to them caused by lightning or other electrical currents, artificial or natural, is expressly excluded, and the company is liable only for such loss or damage to them as may occur from resultant fire originating outside the machines themselves. R.S.O. 1897, c. 203, s. 168, par. 11. *Amended.*

Insurance terminable on notice.

11. The insurance may be terminated by the company by giving seven days' notice to that effect, and, if on the cash plan, by tendering therewith a rateable proportion of the premium paid, for the unexpired term, calculated from the termination of the notice, and the policy shall cease after such notice or notice and tender as the case may be, and the expiration of the seven days. R.S.O. 1897, c. 203, s. 168, par. 19. *Part amended.*

Termination by assured.

12. The insurance, if, on the cash plan, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid. R.S.O. 1897, c. 203, s. 168, par. 19. *Part amended.*

Waiver of condition.

13. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company. R.S.O. 1897, c. 203, s. 168, par. 20.

14. Any officer or agent of the company, who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the company for the purpose. R.S.O. 1897, c. 203, s. 168, par. 21. Officers assuming to agree in writing to be deemed agents.

15. Any written notice to the assured may be by letter delivered to the assured or by registered letter addressed to him at his last post office address notified to the company or where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received. *New.* Written notice, how sent.

DIVISION III.

16. Where property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the company or its agent; and in case of removal of property to prevent damage thereto, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company or companies and the assured; and that part of this policy in excess of its proportion of any loss and of the value of the property remaining in the original location, shall, for the ensuing seven days only or for the unexpired term of the policy if less than seven days, cover the property so removed in the new location or locations in the proportion that the value in any one such new location bears to the value in all such new locations. R.S.O. 1897, c. 203, s. 168, par. 5. *Amended.* Partial damage—salvage.

17. Subject to condition 19 proof of loss must be made by the assured, although the loss is payable to a third person. R.S.O. 1897, c. 203, s. 168, par. 12. *Amended.* Proof of loss when payable to other than assured.

18. Any person entitled to make a claim under this policy shall Directions to be observed on making claim.

(*a*) Forthwith after loss give notice in writing to the company;

(*b*) Deliver, as soon after as practicable, as particular an account of the loss as the nature of the case permits;

(*c*) Furnish therewith a statutory declaration declaring,
That the account is just and true;
When and how the loss occurred, and if caused by fire how the fire originated, so far as the declarant knows or believes;

That

That the loss did not occur, or if caused by fire, that the fire was not caused through any wilful act or neglect, or the procurement, means or contrivance of the assured;

The amount of other insurances;

All liens, and incumbrances on the subject of insurance;

The place where the property insured, if movable, was deposited at the time of the fire;

(*d*) If required and if practicable, produce books of of account, warehouse receipts and stock lists, and furnish invoices and other vouchers, verified by a statutory declaration in support of his claim, and furnish copies of the written portion of all policies, separate as far as reasonably may be the damaged from the undamaged property and exhibit for examination all that remains of the property which was covered by the policy. The evidence furnished under this clause shall not be considered proofs of loss within the meaning of condition 22. R.S.O., 1897, c. 203, s. 168, par. 13. *Amended.*

Proof of loss may be made by agent.

19. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for, or in the like case or if the assured refuses to do so, by a person to whom any part of the insurance money is payable. R.S.O. 1897, c. 203, s. 168, par. 14. *Amended.*

False statement or fraud vitiates claim.

20. Any fraud or false statement in any statutory declaration, in relation to any of the above particulars, shall vitiate the claim of the person making the declaration. R.S. O. 1897, c. 203, s. 168, par. 15. *Amended.*

Arbitration in case of differences.

21. If any difference arises as to the value of the property insured, the property saved, or the amount of the loss, such value and amount and the proportion thereof (if any) to be paid by the company shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or on their failing to agree, then by a Judge of the County or District Court of the County or District in which the loss has happened; and such

reference

reference shall be subject to the provisions of *The Arbitration Act;* and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and the proportion to be paid by the company; where the full amount of the claim is awarded the costs shall follow the event; and in other cases all questions of costs shall be in the discretion of the arbitrators. R.S.O. 1897, c. 203, s. 168, par. 16. 9 Edw. VII. c. 35.

22. The loss shall be payable in sixty days after the completion of the proofs of loss, unless a shorter period is provided for by the contract of insurance. R.S.O. 1897, c. 203, s. 168, par. 17. Loss when payable.

23. The company, instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required. R. S. O. 1897, c. 203, s. 168, par. 18. Company may replace instead of paying.

24. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within one year next after the loss or damage occurs. R.S.O. 1897, c. 203, s. 168, par. 22. Actions to be brought within one year.

**195**. If the insurer desires to vary the statutory conditions or to omit any of them, or to add any new condition, there shall be added immediately after such conditions words to the following effect, which with any such variation, addition or reference to omissions, shall be printed in conspicuous type and in red ink. Variations, how indicated.

VARIATIONS IN CONDITIONS.

"This policy is issued on the above Statutory Conditions with the following variations, omissions and additions, which are, by virtue of *The Ontario Insurance Act,* in force so far only as they shall be held to be just and reasonable to be exacted by the company." R.S.O. 1897, c. 203, s. 169. *Amended.*

**196**. No such variation, omission or addition, unless the same is distinctly indicated and set forth in the manner above prescribed, shall be binding on the assured; but on the contrary, the policy shall, as against the insurer, be subject to the statutory conditions only. R.S.O. 1897, c. 203, s. 170. *First part redrafted.* Variations not binding unless clearly indicated.

Variations to be just and reasonable.

**197**. Any such variation, omission or addition, unless held to be just and reasonable, shall be null and void. *New. See* R.S.O. 1897, c. 203, s. 171.

Optional with insurers to pay claims void under statutory conditions.

**198**. It shall be optional with the insurer to pay or allow claims, wholly or in part, which are void under any statutory condition. R.S.O. 1897, c. 203, s. 170. *Last part redrafted.*

Where failure to make proof is caused by accident, etc.

**199**. Where, by reason of necessity, accident or mistake, any condition of a policy of insurance on property in Ontario as to the proof to be given to the insurer after the occurrence of the event insured against, has not been strictly complied with; or where after a statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any condition of such policy, the insurer, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such condition or does not within a reasonable time after receiving such statement or proof notify the assured in writing that it is objected to, stating the particulars in which the same is alleged to be defective, and so from time to time, or where, for any other reason, it is held to be inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such condition, no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof as the case may be, shall be allowed as a defence by the insurer or a discharge of his liability on such policy wherever entered into. R.S.O. 1897, c. 203, s. 172 (1). *Re-drafted.*

Insurer's right of entry after loss.

**200**.—(1) After any loss or damage to insured property the insurer by a duly accredited agent, shall have an immediate right of entry and access sufficient to enable him to survey and examine the property, and to make an estimate of the loss or damage, but the insurer shall not be entitled to the disposition, control, occupation, or possession of the insured property, or of the remains or salvage thereof, unless the insurer undertakes reinstatement, or accepts abandonment of the property.

Duty of assured after loss.

(2) After any loss or damage to insured property, it shall be the duty of the assured when, and as soon as it is practicable, to secure the insured property from damage, or from further damage, and to separate as far as reasonably may be, the damaged from the undamaged property, and to notify the insurer when such separation has been made, and thereupon the insurer shall be entitled to entry and access sufficient to enable him to make an appraisement or particular estimate of the loss or damage.

(3) The insurer and the assured instead of proceeding by arbitration under statutory condition 21, may at any time after the loss or damage make a joint survey, examination, estimate or appraisement of the loss or damage, in which case the insurer shall be deemed to have waived all right to make a separate survey, examination, estimate or appraisement thereof. R.S.O. 1897, c. 203, s. 145. Proviso.

**201.** Where proofs of loss are made by any person other than the assured, the insurer shall be entitled to have the assured examined under oath touching the loss or damage before the Judge of the County or District Court of the County or District in which the assured resides, and the procedure shall be the same as that upon an examination for discovery in an action. *New.* Enquiries into proofs of loss, when and how to be made.

INVESTIGATION OF FIRES.

[*See 1 Geo. V. c. 23.*]

DUTIES OF THE SUPERINTENDENT.

**202.**—(1) The Superintendent shall visit the head office or chief agency in Ontario of every company licensed under this Act, at least once in every year, and shall carefully examine the condition and affairs of the company. Duties of Superintendent.

(2) Instead of visiting the head office or chief agency the Superintendent may require the company to produce, and thereupon the company shall produce its books and papers at the county or district town of the county or district in which the head office or chief agency is located, or at such other convenient place as the Superintendent directs. Inspection of books and papers.

(3) The officers of the company who have custody of the books shall be entitled to be paid by the company for the actual expenses of such attendance. Payment for attendance of officers.

(4) The Superintendent shall from such inspection prepare and lay before the Minister an annual report of the condition of every company's business, as ascertained from such inspection, and such report shall be printed and published forthwith after the completion thereof. Annual report.

(5) Officers of the company shall cause their books to be open for the examination of the Superintendent, and shall Powers of Superintendent.

facilitate

facilitate the examination so far as may be in their power; and the Superintendent may examine under oath any officer or agent of the company as to its business.

Report of Superintendent.

(6) Where a special examination has been made, a special written report, stating the Superintendent's opinion of the condition and financial standing of the company, and all other matters which it is desirable should be made known shall be made to the Minister.

Entries untrue or omitted.

(7) Every director, manager, officer, agent, collector, auditor or employee of a company, who knowingly makes or assists in making any untrue entry in any of the company's books, or who does not make any proper entry therein, or does not exhibit or allow the same to be inspected and extracts to be taken therefrom shall be guilty of an offence, and punishable in the manner provided by section 98. R.S.O. 1897, c. 203, s. 176. *Redrafted.*

Access to books and papers.

Provision if company appears unsafe.

**203.**—(1) If at any time it appears to the Superintendent that the assets of a company are insufficient to justify its continuance in business, or that it is unsafe for the public to effect insurance with the company, he shall make a special report on its affairs to the Minister.

Suspending license of company.

(2) If after consideration of the report and such notice to the company as the Minister deems reasonable, and such further inquiry, if any, as he may deem proper, the Minister reports to the Lieutenant-Governor in Council that he agrees with the report of the Superintendent, the Lieutenant-Governor in Council may suspend or cancel the license of the company, and in case of suspension it shall not be lawful for the company thereafter to transact any business in Ontario, until the suspension is removed by the Lieutenant-Governor in Council. R.S.O. 1897, c. 203, s. 177. *Redrafted.*

Notice of suspension of license.

(3) Notice of the suspension or cancellation of the license shall be published in the *Ontario Gazette;* and thereafter any person transacting any business on behalf of the company, except for winding up its affairs under this Act, shall be deemed to have contravened section 98. R.S.O. 1897, c. 203, s. 178. *Amended.*

Examination of company's affairs.

**204.** The Superintendent with the approval of the Minister, may cause abstracts to be prepared of the books and vouchers of a company and a valuation to be made of its assets and liabilities; and the cost thereof upon the certificate of the Superintendent approved by the Minister, shall be paid by the company. R.S.O. 1897, c. 203, s. 179. *Redrafted.*

LIQUIDATION OF PROVINCIAL INSURANCE COMPANIES.

Voluntary liquidation.

**205.**—(1) Where a Provincial Company other than a Dominion licensee proposes to go into voluntary liquidation, at least one month's notice shall be given to the Minister and to the Superintendent, and shall also be published by the company in two consecutive issues of the *Ontario Gazette,* and in one or more newspapers if the Superintendent so requires.

Notice previous thereto.

(2) The notice shall state the date at which contracts are to cease to be taken by the company, also the name and address of the company's liquidator, or the intention of the company to apply on a stated day for the appointment of a liquidator.

Disposal of reserve at winding up of company.

(3) On the winding up of a Provincial Mutual or Cash-Mutual Fire Insurance Company, after the notice has been given, the directors may, out of the reserve or surplus funds, reinsure the unexpired contracts for which premiums or premium notes have been taken, with a company registered under this Act and approved by the Minister.

Unearned premiums.

(4) Where any company is wound up each person contracted with on the cash plan shall be entitled to a refund from the company of the unearned proportion of the cash premium calculated from the date at which the company, according to the notice, ceased to undertake contracts; but this shall not affect any other remedy which such person may have against the company.

Receiver to give bonds; their form, amount and custody.

(5) Every liquidator shall, forthwith, give such bonds or securities for his fidelity as may be required of a receiver under section 214; and in case of dispute the Master upon motion of any creditor or person interested, or of the Superintendent, shall determine the kind and amount of such bonds or securities.

Application of s. 214, subs. 7.

(6) The bonds or securities shall be made and deposited as provided by subsection 7 of section 214.

Receiver to file statements.

(7) Every such liquidator, until the affairs of the company are wound up and the accounts are finally closed, shall within seven days after the close of each month, file with the Court or other authority appointing him, and also with the Superintendent, detailed schedules showing, in such forms as may be prescribed, receipts and expenditures, assets and liabilities, and he shall, whenever so required by the authority appointing him, or by the Superintendent, exhibit the company's books and vouchers, and furnish such

other

other information respecting the company's affairs as may be required; and any receiver, liquidator or assignee who does not furnish such information, shall, for each offence, incur a penalty of not less than $50 and not more than $200, and shall also be liable to be removed. R.S.O. 1897, c. 203, s. 182. *Redrafted.*

VOLUNTARY LIQUIDATION OF FRIENDLY SOCIETIES, OR OF THE INSURANCE FUNDS THEREOF.

Friendly society or fund may be voluntarily wound up.

**206.**—(1) A registered Provincial friendly society or any insurance fund thereof, may be voluntarily wound up after resolution (hereinafter called the winding-up resolution) passed at a general meeting, ordinary or special, after at least one month's notice of such intended resolution.

Resolution—when binding.

(2) The resolution when assented to by the Registrar, and filed with the Provincial Registrar as provided by subsection 4 of section 184, shall be binding on all the members of the society.

Transfer of assets and liabilities.

(3) The resolution may provide for the transfer of the liabilities and assets of the society or of the fund to some other corporation. R.S.O. 1897, c. 203, s. 183 (1). *Redrafted.*

Liquidator to be appointed by winding-up resolution.

(4) Where there are assets to be realized, distributed, disposed of or dealt with, the winding-up resolution shall appoint a liquidator, and shall fix the amount of the security to be given by him, which shall be sufficient for the purposes of the liquidation, and shall state the amount and form of his compensation.

Committee of inspection.

(5) Unless otherwise provided in the winding-up resolution, the then executive officers (other than such one of them, if any, who is appointed liquidator) shall act as a committee of inspection and shall audit the liquidator's accounts at least once a month until his accounts are closed, and shall certify their audit. R.S.O. 1897, c. 203, s. 183 (2). *Amended.*

Documents to be filed with Registrar.

(6) Preliminary to any winding-up or transfer under this section, there shall be filed with the Registrar a statement made by one or more of the executive officers, declaring upon oath, the facts and circumstances of the case, and there shall be annexed to the statement a true copy of the winding-up resolution, and also a financial statement showing in such form as shall be required by the Registrar the liabilities and

assets

assets of the society or of the fund, and such other information shall be furnished from time to time as the Registrar may require.

Liquidator's bonds and accounts.

(7) The provisions of subsections 5, 6 and 7 of section 205 shall apply to a liquidator under this section. R.S.O. 1897, c. 203, s. 183 (3). *Amended.*

Resolution for distribution of endowment fund.

(8) Where endowment or expectancy insurance is transacted and there exists an endowment fund separate and distinct from the life insurance fund, then, by a resolution duly passed at a general meeting, ordinary or special, after at least one month's notice of such intended resolution, the society may determine that the endowment or expectancy insurance shall be discontinued, and that the endowment or expectancy fund shall be distributed *pro rata* among the members then in good standing who are contributors to such fund, according to the total contribution of each member.

Distribution of fund, effect of.

(9) After the resolution has been assented to and filed as provided in subsection 2, the executive officers may proceed to ascertain the persons entitled to rank upon the fund, and may distribute the fund among those so entitled; and such distribution shall discharge the society and all executive officers thereof from all further or other liability in respect of such fund and of the endowment or expectancy contracts undertaken by the society. R.S.O. 1897, c. 203, s. 183 (4). *Amended.*

Or may be converted into life insurance fund.

(10) If all the members interested in the endowment or expectancy fund are also interested as holders of life insurance contracts, the general meeting instead of determining that the endowment or expectancy fund shall be distributed, may determine that such fund shall be converted into, or merged in a life insurance fund; and after the resolution has been assented to and filed as provided in subsection 2, the endowment or expectancy fund shall become and be a life insurance fund. R.S.O. 1897, c. 203, s. 183 (5). *Amended.*

No endowment insurance to be thereafter transacted.

(11) After the passing of the resolution mentioned in subsections 8 or 10, the society shall not undertake or transact any endowment or expectancy insurance. R.S.O. 1897, c. 203, s. 183 (6). *Amended.*

GENERAL PROVISIONS AS TO VOLUNTARY LIQUIDATION.

Master in Ordinary to finally dispose of doubts, difficulties or disputes.

**207.**—(1) In any winding-up, transfer or dissolution under the next preceding two sections, if any doubt, difficulty or dispute arises as to any matter, the Superintendent, the

Registrar

Registrar, the liquidator, any member of the committee of inspection, or any person interested, may apply to the Master who shall finally dispose of the matter.

Powers of Master on application

(2) The Master may on the application of any such person remove the liquidator and appoint another liquidator, or do any other matter or thing which the Court, Judge, or Master might do in a winding-up under sections 211 to 231, or may by order remove into his office the winding-up, transfer or dissolution which shall thereafter proceed as if begun under those sections. R.S.O. 1897, c. 203, s. 183 (9); 63 V. c. 17, s. 29. *Redrafted.*

Duration of winding-up

**208**. The duration of any winding-up under any of the three next preceding sections shall not be prolonged beyond one year from its commencement except for special and urgent cause shown to the satisfaction of the Minister. R.S.O. 1897, c. 203, s. 183 (10). *Redrafted.*

How proceedings may be entitled.

Notice

**209**. For the purpose of any application or other proceeding under any of the four next preceding sections, it shall be sufficient to entitle the proceeding in the matter of this Act and of the insurance corporation or fund concerned; and at least two clear days' notice shall be given unless otherwise directed by the Master. R.S.O. 1897, c. 203, s. 183 (11). *Amended.*

Renewing or continuing registry for winding up purposes

**210**. Notwithstanding anything in this Act, the Superintendent may by writing under his hand and seal of office, renew or extend the registry of any Provincial Insurance Corporation for the purpose of its winding up; and during the continuance of such registry or renewed or extended registry, sections 211 to 231 shall not apply to the corporation; but upon the expiry without renewal or upon the revocation or cancellation of such registry the said sections shall apply unless the winding-up of the corporation has previously been completed. 2 Edw. VII. c. 12, s. 22 (6).

COMPULSORY LIQUIDATION.

Application of sections 212 to 231

**211**.—(1) Sections 212 to 231 shall apply to Provincial insurance corporations other than those being wound up under the five next preceding sections, and other than licensees of the Dominion of Canada within the meaning of section 69.

"Corporation," meaning of

(2) Where the corporation is not constituted exclusively or chiefly for insurance purposes, and the insurance branch and fund

fund are completely severable from every other branch and fund of the corporation, the word " corporation " for the purposes of sections 212 to 231, shall mean only the insurance branch of the corporation. R.S.O. 1897, c. 203, s. 184.

Commencement of winding up.

**212.**—(1) The winding-up shall be deemed to commence at the beginning of the day on which the registry of the corporation expired or was cancelled, and where the corporation is constituted for the transaction of insurance exclusively, its corporate powers shall thereupon cease and determine except for the sole purpose of winding up its affairs. R.S.O. 1897, c. 203, s. 184 (3). *Amended.*

Effect of winding up.

(2) After the date of the commencement of the winding up, any transfer of shares unless made by authority of the High Court, and any alteration in the status of members or shareholders of the corporation shall be void; and no action or other proceeding against the corporation shall be commenced or proceeded with except by leave of the Court; and every attachment, sequestration, distress or execution put in force against the property of the corporation shall be void.

Cesser of contracts of employment.

(3) All contracts of employment entered into by the corporation shall *ipso facto* cease and determine at the commencement of the winding up.

No marshalling of assets, nor preference of creditors except as enacted.

(4) All the funds, assets and property of the corporation or of any liquidating branch or lodge thereof shall be deemed general assets of the corporation, branch or lodge, respectively, for the payment of all debts thereof, and shall not be applied to the payment of any particular debts, preferentially or exclusively, except as otherwise herein expressly provided. R.S.O. 1897, c. 203, s. 184 (4-6). *Amended.*

Effect of certain events or of non-registry.

**213.**—(1) Upon notice given by the Superintendent of the corporation's registry being cancelled under subsection 1 of section 87, or where a corporation neglects to register or renew its registry, the liquidator, in voluntary winding-up proceedings, if any, and if there is no liquidator, the officer or officers of the corporation in Ontario having in charge, custody, possession or power the accounts, account books and insurance funds of the corporation, shall *ipso facto,* become interim receiver, or receivers, as the case may be, of the corporation and officers of the High Court subject to its control and direction, and shall so remain unless and until further order is made by the Court. R.S.O. 1897, c. 203, s. 185 (1); 62 V. (1), c. 2, s. 1. *Redrafted.*

Where treasurer not interim receiver.

(2) If the treasurer or other officer does not become interim receiver he shall forthwith pay and deliver to the interim receiver all accounts, account books and insurance funds of the corporation in his charge, custody, possession or power. *New.*

Remedies by the estate against receiver.

(3) Every interim receiver shall forthwith deposit in a chartered bank in Ontario to the credit of the corporation, all moneys and securities for moneys in the charge, custody, possession or power of the corporation or of himself as officer thereof, and shall from time to time so deposit all further moneys and securities that come into his possession or power as interim receiver, unless and until otherwise ordered by the Court, or a Judge, and the same shall not be withdrawn from the bank without leave of the Court or a Judge. R.S.O. 1897, c. 203, s. 185 (2). *Redrafted.*

Receiver to deposit forthwith in bank.

Bank's receipt for same.

(4) The interim receiver, or person depositing the same, shall obtain from the bank a receipt in triplicate for the moneys and securities so deposited and one of the triplicates shall be forthwith filed by him in the office of the Superintendent. *New.*

Notice that the assets are a fund in Court.

(5) Notice from the Superintendent to any person that the registry of the insurance corporation has expired or has been cancelled, or that the corporation has become unregistered, shall be sufficient notice that the funds and securities of the corporation are subject solely to the order of the High Court. R.S.O. 1897, c. 203, s. 185 (5).

Application to be filed by interim receiver in Master's office.

**214.**—(1) After the deposit of the money and securities in the bank, the interim receiver or receivers shall forthwith file an application, Form 1, in the office of the Master.

Bank receipt and affidavit to be filed with the application.

(2) With the application there shall be filed one of the triplicate receipts given by the bank, and an affidavit, Form 2, in which all the receivers, if there are more than one, shall join. R.S.O. 1897, c. 203, s. 186 (1-2). *Redrafted.*

Securities previously given by receiver to remain in force.

(3) Until an interim receiver is discharged from his office, or until new security is taken from him by order of the Court, any security given by him to the corporation and in force at the cesser of registry, shall continue in as full force and validity as if the corporation had continued to be registered.

The Master to issue his certificate of the filing and call in the securities.

(4) On the filing of the documents mentioned in this section the Master shall issue to the interim receiver his certificate of the filing, and shall issue his order requiring any person having in his charge, custody, possession or power the security mentioned in the next preceding subsection, to deliver the same forthwith to the Master for approval, and on any refusal, neglect or delay to obey the order, such person shall be liable to be committed for contempt of Court.

Non-delivery punishable as a contempt.

Where no securities exist, or the securities are not satisfactory or sufficient.

(5) If there is no such security, or if the existing security is not in the opinion of the Master satisfactory or sufficient, the Master shall order the interim receiver within a time limited to give security or other or additional security, and if the interim receiver makes default, the Master may remove him and appoint another interim receiver.

Guarantee company's bond as security.

(6) The Master may accept as security the bond of a guarantee company registered under this Act.

Bonds, etc., of receiver to be made to Superintendent.

(7) The security of every receiver under this Act shall be made to the Superintendent in his name of office, and all securities when approved by the Master, shall be deposited with the Superintendent.

Enforcement of securities.

(8) All securities to which this section applies, whether made to him or not, may be enforced by the Superintendent for the time being in his name of office. *New.* (*See* R.S.O. 1897, c. 203, s. 186 (9).)

Order of court staying proceedings.

**215**. On the application of the Superintendent or of any creditor or contributory upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, the Court may at any time make an order staying the same either altogether or for a limited time on such terms and subject to such conditions as it may deem proper. *New.*

Place and time to be appointed for hearing application.

**216**.—(1) The Master shall appoint a place and a time not less than twenty-one days from the date of the appointment, to hear the application of the interim receiver for his confirmation or discharge, and upon hearing the application, may appoint the interim receiver as receiver or may discharge him from his office and may appoint another as receiver, or make such other disposition of the matter as he may deem proper.

Public notice of application and of the hearing

(2) Notice of the application, Form 3, shall be published by the interim receiver in two issues of the *Ontario Gazette*, and once a week for two weeks in a newspaper published in the county or district in which the head office or chief office of the corporation is located, and a copy of the notice shall be delivered to the Superintendent at least ten days before the day appointed for the hearing of the application. R.S.O. 1897, c. 203, s. 187. *Redrafted.*

Disposal of application by Master

(3) At the place and time appointed the Master may appoint the interim receiver as receiver or may discharge him and appoint another person to be receiver, or with the consent in writing of the Superintendent, may then or afterwards dispense with a receiver, and generally make such order and give such directions as will best expedite the beneficial realization of the assets, the discharge of the liabilities, and the distribution of the surplus among the persons entitled.

Distribution of assets where receiver dispensed with

(4) Where a receiver is dispensed with, the assets shall be realized and distributed by or under the direction of the Master among the persons entitled thereto, in the same way, as nearly as may be, as if the distribution were being made by the receiver.

Disposal of accounts, documents, etc.

(5) A Judge of the High Court may direct how the books, accounts and documents of the corporation and of the receiver are to be dealt with or disposed of.

Not to be more than one receiver

(6) There shall not be more than one receiver at any one time, except with the consent in writing of the Superintendent. R.S.O. 1897, c. 203, s. 189 (1).

Trust company as receiver

(7) The Master may appoint as receiver any trust company approved by the Lieutenant-Governor in Council as one which may be appointed receiver under this Act or which has been heretofore so approved. R.S.O. 1897, c. 203, s. 189 (2).

On default of interim receiver Master may appoint another.

**217.**—(1) If the interim receiver fails to comply with the provisions of section 213 within eight days after becoming interim receiver, the Master may on the application of the Superintendent or of any policy or certificate holder, or of any claimant or creditor, supported by an affidavit stating the facts, remove the interim receiver and appoint a new interim receiver, and may make such further order as he may deem necessary for securing the property of the corporation.

Duties of new interim receiver.

(2) An interim receiver appointed by the Master shall under his direction, take immediate possession of the money and securities for money of the corporation, and shall thereafter perform all the duties required of an interim receiver, and on default of performance shall be liable to the penalties imposed by this Act.

Proceedings on default of compliance.

(3) On non-compliance by an interim receiver or by any officer, agent or employee of the corporation with any provision of sections 213 and 214 or with any order made, or summons or direction issued by the Master under this Act, upon motion made as provided in subsection 1, the Master may issue his certificate of the default, and his certificate shall be conclusive evidence of such default for the purposes of any proceedings taken by any of such persons, under sections 213 and 214, or under subsection 5 of this section.

Motion to commit.

(4) A motion to commit such defaulter may on two clear days' notice be made before a Judge of the High Court in Chambers.

Penalty for non-compliance with sections 185 and 186 after notice.

(5) If any person made interim receiver by this Act or by order hereunder, receives from the Superintendent notice under his hand and the seal of his office directing such person to comply with the provisions of section 213 or of section 214, and the person so notified does not within ten days after the notice delivered comply accordingly, such person shall incur a penalty of not less than $100 and not more than $500, recoverable under *The Ontario Summary Convictions Act;* and, in case of a second or any subsequent conviction, he shall be imprisoned for a term not less than three months and not more than twelve months. R.S.O. 1897, c. 203, s. 188 (1)-(5).

Powers of the Master.

(6) Subject to the provisions hereinafter contained, the Master shall,

(*a*) Decide upon the security to be given by the receiver, and upon the mode and amount of his compensation;

(*b*) Fix the times for the submission and passing of his accounts;

(*c*) Settle advertisements;

(*d*) Determine what persons are entitled to notice of any matter or proceeding, and the time, mode and form of notice to be given;

(*e*) Settle and determine lists of the debtors and the contributories and the amounts which they are

respectively

respectively liable to pay and contribute to the assets;

(*f*) Settle and determine the claims of creditors, and the amounts to which they are respectively entitled, and all matters of set-off affecting or alleged to affect such debts, contributions or claims;

(*g*) Direct the realization of assets, the discharge of liabilities and the distribution of the surplus; and

(*h*) Make such orders and give such directions as will best give effect to the provisions of this Act; and generally shall have all the powers which might be exercised on a reference to him under a judgment or order of the High Court.

Appeal from Master's decision.

(7) Orders and certificates made by the Master under this Act, shall be appealable in like manner as orders and certificates of the Master made in a winding-up under *The Winding-up Act of Canada,* and so far as not inconsistent with the provisions of this Act, the Rules of the Supreme Court shall apply to all proceedings under this Act. R.S.O. 1897, c. 203, s. 189 (1-3); 63 V. c. 17, s. 30. *Redrafted.*

Consolidated rules to apply.

Duration of winding up.

(8) The duration of the winding up shall not be prolonged beyond one year from its commencement, unless the Superintendent, for special and urgent cause shown to his satisfaction consents in writing to an extension to a day named in his consent.

Laches of receiver.

(9) Where the creditors are subjected to delay or the estate to expense by any want of care, diligence or efficiency on the part of the receiver, the Master, on motion of the Superintendent or of any creditor, contributory or other person interested in the estate, may impose a fine on the receiver of not less than $20 nor more than $200 and costs, which shall be a debt due from the receiver to the estate, and execution may issue forthwith or the amount may be charged against any remuneration already earned by but not yet paid to the receiver.

Receiver to act personally as far as practicable.

(10) The receiver shall as far as practicable, act personally, under the direction of the Master, in all matters relating to the estate; he shall attend to the correspondence, give notices, file and copy documents, prepare schedules, make calls on persons found or adjudged subject thereto, and perform such other duties and services as may from time to time be proper and necessary.

Costs not to be allowed for personal service of receiver.

(11) No costs shall be paid or allowed for the performance of duties or services which properly devolve upon the receiver personally, either within the meaning of this Act or by

by virtue of any law or practice relating to receivers in force in Ontario. R.S.O. 1897, c. 203, s. 189 (4-5). *Redrafted.*

Receiver subject to summary jurisdiction of Court

**218.**—(1) Every receiver shall be subject to the summary jurisdiction of the Court, in the same manner, and to the same extent as the ordinary officers of the Court; and the performance of his duties may be compelled by order of the Court.

Remedies against estate obtained by summary order.

(2) All remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property, upon, in or to any effects or property, in the hands, possession or custody of a receiver, may be obtained by an order of the Court on summary petition, and not by action suit, attachment, seizure or other proceeding of any kind.

Removal of receiver.

(3) In the discretion of the Court a receiver may be removed, and with or without his removal, the Court may order the amount of any damage, loss or costs, ascertained to have been occasioned to the estate by his misconduct, misfeasance, laches or neglect, to be deducted from his remuneration earned, or to be paid by him. R.S.O. 1897, c. 203, s. 190. *Amended.*

Form of advertisement for creditors.

**219.**—(1) The advertisement for or notice to creditors or claimants shall be according to Form 4.

Certain claims to be collocated without other proof than company's books, etc.

(2) Upon the evidence mentioned in subsection 4 of section 84, and without the creditor or claimant filing further or other proof or making any formal claim or giving notice, the receiver shall prepare the three schedules next hereinafter mentioned with the amount for which or having relation to which each creditor or claimant appears entitled to rank on the assets and upon such amount being verified to the satisfaction of the Master, and in the absence of contestation by any person interested, the creditor or claimant shall be collocated and ranked accordingly.

Three schedules of claimants to be prepared.

Schedule of preferred creditors.

(3) The first of the schedules shall be the Schedule of Preferred Creditors, and shall include the names, addresses and descriptions of the persons mentioned in section 231 and the total amount to which, on the evidence mentioned in subsection 2, particular reference being made to the book and page, or as the case may be, such persons are severally entitled, and the amount for which they are severally entitled to rank as preferred creditors. R.S.O. 1897, c. 203, s. 191 (1-3). *Amended.*

Schedule of ordinary creditors.

(4) The second of the schedules shall be the "Schedule of Ordinary Creditors," and the schedule shall include those pre-

ferred

ferred creditors who, in respect of an unpreferred residue, are entitled to rank as ordinary creditors and the amount in each case of such residue; also all creditors entitled to claim under policies matured before the commencement of the winding-up or having at that date a fixed surrender value, or unmatured at the commencement of the winding up, but secured by deposit under this Act, together with the following particulars in the case of each policy, viz.: The number and description of the policy, the date of issue (and in the case of life insurance policies the age of the assured at the date of issue), the name and address of the assured, and of his assignee, if any, the amount for which the policy was issued and the value of the policy or of the unearned premiums, as the case may be, taken as at the commencement of the winding up, and in the case of policies issued for a term of years, the date of the expiry of the term.

(*a*) In the case of annuities on lives or of unmatured policies of life insurance so secured, including endowment and tontine insurance, such annuity or unmatured policy issued by a corporation licensed under section 62, shall if valid and subsisting at the commencement of the winding up, be entitled to rank for the value ascertained according to the rules mentioned in Schedule C;

(*b*) In the case of all other unmatured policies the policy if valid and subsisting at the commencement of the winding up shall be entitled to rank for the unearned premium, if any.

Who to be paid distributive share on annuity or unmatured policy

(5) On the distribution of the assets the distributive sum payable in respect of any such annuity or unmatured policy shall be paid respectively to the annuitant or to the policyholder, or the beneficiary for value, if any, or to their respective assigns.

Other particulars to be included in schedule.

(6) The second schedule shall also include particulars of the obligations other than policies issued by the corporation and outstanding at the commencement of the winding up, with the names of the obligees and payees, and the value of such obligations taken as at that date, and shall also include the names and addresses, so far as known, of all other persons entitled to rank upon the assets not being persons and claims falling within the scope of the first and third schedules. R.S.O. 1897, c. 203, s. 191 (4); 1 Edw. VII. c. 21, s. 2 (9). *Amended.*

Schedule of the unmatured and unsecured policies.

(7) The third schedule shall be a Schedule of Unmatured and Unsecured Policies, and shall include all policies in force at the commencement of the winding up, but not falling within

within the scope of the second schedule, and shall include the like particulars as therein mentioned, except as to the value of the policy, and shall further show the aggregate of the contributions made by the assured to the reserve or surplus fund, if any, of the corporation; and in any distribution of any surplus assets the share under any policy shall be proportionate to such aggregate of contributions by the assured, with or without interest thereon, as the Master under the circumstances may deem to be just.

Proviso.

(8) Where the registry of the corporation has been cancelled for insolvency or impending insolvency, or where the Master is of the opinion that the assets of the estate are insufficient or not more than sufficient to pay in full the claims entitled to rank in the first and second schedules, the Master may dispense with the preparation of the third schedule.

Schedules of debtors and contributories.

(9) As soon as practicable after the commencement of the winding up the receiver shall prepare a "Schedule of Debtors and a Schedule of Contributories."

What schedule of debtors to show.

(10) The "Schedule of Debtors" shall show the names and addresses, so far as the addresses can be ascertained, of all persons actually indebted to the estate or against whom the estate holds obligations or accounts accruing due with particulars of the same, and of the securities if any held by the estate, reference being in every case made to the books, or vouchers relating thereto, and such schedule shall be *prima facie* evidence of the indebtedness of any person whose name appears therein.

What schedule of contributories to show.

(11) "The Schedule of Contributories" shall show the names and addresses, so far as the addresses can be ascertained, of all members and shareholders and all persons who are subject to call, or otherwise liable to contribute to the assets, and the extent of such liability, giving the like reference to books and vouchers.

Schedules to be in triplicate; how disposed of.

(12) The schedules mentioned in this section shall be prepared by the receiver in triplicate; one of the triplicates verified by his oath shall be filed in the Master's office; another shall be delivered to the Superintendent, and the third shall be kept in the receiver's office, and shall be accessible on demand to all persons interested in the estate. R.S.O. 1897, c. 203, s. 191 (5-7). *Redrafted.*

Procedure after expiry of the time limited for claims.

**220.**—(1) After the expiration of the time limited by the advertisement for creditors or by the notice to claimants, the Master shall settle and determine,

(*a*) The list of creditors and the claims of alleged creditors, and the amounts to which those persons by him adjudged to be creditors are respectively entitled;

(*b*) The list of debtors and contributories and the amounts they are severally liable to pay or contribute to the assets; and

(*c*) All matters of set-off affecting or alleged to affect such claims against, or debts or contributions to the estate.

Disallowance for want of due notice.

(2) The Master may disallow all claims of which notice was not given within the time limited; and thereafter shall report directing a distribution of the assets among the persons entitled thereto, having regard only to the claims of which the receiver had notice within the time limited. R.S.O. 1897, c. 203, s. 192 (1). *First part amended.*

Special leave to prove claim.

(3) The Master may give special leave to prove a claim of which notice has not been given upon such terms as to costs and otherwise as the Master directs. *New.*

Interim report.

(4) The Master may make an interim report whenever deemed advisable; and, when deemed necessary may direct the payment of an interim dividend.

Interim dividend when to be paid.

(5) It shall not be necessary to procure an order for the payment of any dividend declared by the Master's report or interim report after such report becomes absolute by lapse of time, or is confirmed or is affirmed, or affirmed with a variation, on final appeal, as the case may be, but the receiver may pay such dividend upon the production of a certified copy of the report and a certificate of the Master certifying the date of its filing and that the report has become absolute by lapse of time or is confirmed or has been affirmed, and if affirmed with a variation how varied on final appeal as the case may be. R.S.O. 1897, c. 203, s. 192 (1). *Last part redrafted.*

Inquiry into misfeasances and defaults of directors, etc.

**221**. Where in a winding-up or liquidation under this Act the liability of the corporation is admitted, but the person to whom the corporation is liable is in dispute or uncertain, or where in the opinion of the Superintendent no sufficient discharge for the liability can be had the amount of the liability or of the dividends payable in respect thereof shall be paid into court under the provisions of *The Trustee Act.* 1 Edw. VII. c. 21, s. 3 (1). *First part amended.*

Filing Master's report.

**222.**—(1) Where a report is made as to debtors or contributories, the Master shall deliver it to the receiver, who shall forthwith file the same in the Master's office.

Notice of filing.

(2) Notice of the filing of the report and of the date of filing shall forthwith be given by the receiver by publication in the *Ontario Gazette* and in a newspaper published at or nearest the place where the head office of the corporation is located, and in two daily newspapers published in the City of Toronto.

Copy of report to be sent to Superintendent.

(3) The receiver shall also forthwith deliver or transmit a copy of the report to the Superintendent, having indorsed thereon notice of the date of filing, and shall also keep in his own office a copy of the report indorsed with the date of filing, which shall be accessible on demand to all persons interested in the estate. R.S.O. 1897, c. 203, s. 193 (1); 1 Edw. VII. c. 21, s. 3 (1); 3 Edw. VII. c. 15, s. 3. *Redrafted.*

Effect of report becoming absolute.

1 Edw. VII., c. 21, s. 3 (3).

(4) At the expiration of fourteen days from the receipt of such indorsed copy of the report by the Superintendent, the report shall become absolute unless notice of appeal is served within that time, and every person ascertained by the report to be indebted shall *ipso facto* and without further proceedings, and as after final judgment be deemed to be a debtor to the corporation in the sum specified in the report and thereafter the Master may under his hand certify that by his report dated and filed in on the day of 19 (*supplying the necessary particulars*) the person named in the certificate has been found indebted to the corporation (naming it) in the sum of $ with $ interest (if any) and $ costs (if any).

Fees.

(5) A fee of 25 cents shall be payable to a Local Master in respect of each certificate together with 10 cents for each additional five names after the first. R.S.O. 1897, c. 203, s. 193 (2); 1 Edw. VII. c. 21, s. 3 (3). *Amended.*

Transcript of judgment.

(6) The receiver or the Superintendent may thereupon by præcipe or requisition directed to the clerk of any Division Court or County or District Court which would have jurisdiction in an action for the recovery of a claim of the amount specified in the certificate, or to the proper officer of the High Court, require the certificate to be entered as a judgment of the Court, and thereupon it shall be entered accordingly, and thereafter the receiver or the Superintendent may take any proceedings or cause to be issued any process for the enforcing of the judgment that could be had or taken for the like purpose upon any judgment of such Court. R.S.O. 1897, c. 203, s. 193 (3); 1 Edw. VII. c. 21, s. 3 (4). *Redrafted.*

(7)

General writ of execution within county.

(7) Where the certificate includes the names of more than one person residing in the same bailiwick or division, it may be entered as a judgment against all of them and only one writ of execution shall issue, commanding the sheriff or bailiff to execute the writ against the goods and lands of each of the persons named therein in respect of the sum of money, damages or costs specified as payable by him; and thereupon the sheriff or bailiff shall execute the writ as he would if separate writs for the sum of money, damages or costs had been issued against each of such persons. R.S.O. 1897, c. 203, s. 193 (4). *Redrafted.*

Officer or liquidator misapplying funds of corporation.

**223.** Where, in the course of the voluntary or compulsory winding up a corporation it appears that any past or present trustee, auditor, director, manager, officer, official, receiver or liquidator of the corporation has misapplied or retained in his own hands or become liable or accountable for any money, assets, or property of the corporation, or has been guilty of any misfeasance or breach of trust or duty in relation to the corporation, or that his conduct in the management of the affairs of the corporation has been such as to require investigation, the Master, on the application of the Superintendent or the Registrar or of the receiver or of any creditor or contributory, and after at least ten days' notice served on the person whose conduct or dealings are to be investigated, may examine into the conduct and dealings of such person, and may direct him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest, at such rate as the Master thinks just, or to contribute such sums of money to the assets of the company, by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust, as the Master thinks fit, and may disallow his account, if any, for services or salary. R.S.O. 1897, c. 203, s. 192 (2); *redrafted.* (*See* R.S.C. c. 144, s. 123.)

Books, etc., of receiver to be accessible to Insurance Registrar.

**224.** The books, financial statements, schedules, accounts and vouchers of every receiver shall be accessible to the Superintendent and the Registrar and to any person authorized under the hand and seal of either of them; and if any receiver refuses or neglects to afford such access, or if he makes a wilfully false statement or untrue entry, he shall be guilty of an offence, and upon summary conviction thereof shall be liable to imprisonment for a period not exceeding twelve months. R.S.O. 1897, c. 203, s. 194 (1). *Redrafted.*

Receiver to deposit moneys in Bank.

**225.** Unless and until otherwise ordered by the Court, the receiver shall forthwith deposit at interest in a chartered bank in Ontario to the credit of the corporation all moneys by him from time to time received whenever the same amounts

to

to $100. R.S.O. 1897, c. 203, s. 194 (2). *First part amended.*

Default of receiver in leaving or passing accounts, etc.

**226**. In case of default by any receiver or liquidator in leaving or passing any account, or in making any deposit or payment, or of laches or negligence in performing any other duty devolving upon him by virtue of his office, or of an order or direction of the Court, the Master either without motion, or on motion by the Superintendent or any person interested, may disallow any salary or compensation to the receiver or may charge him with interest upon his balances, or may remove him and appoint another, or make such other order as will best carry into effect the purposes of this Act. R.S.O. 1897, c. 203, s. 194 (3). *Amended.*

Insurance Superintendent a party.

**227**. Where a corporation is being wound up, every action, matter or proceeding relative to the estate of the corporation, or to a receiver or liquidator thereof, or to the sureties of or securities given by either, shall be brought and prosecuted by or in the name of the Superintendent by his name of office and the Superintendent shall be a necessary party to every such action, matter or proceeding against the corporation or affecting the estate and to every taxation, retaxation, review or revision of costs affecting the estate. R.S.O. 1897, c. 203, s. 194 (4). *Amended.*

High Court vacations not to apply to proceedings under sections 205-231.

**228**. Vacations in the High Court shall not apply to proceedings under sections 205 to 231. R.S.O. 1897, c. 203, s. 194 (5). *Amended.*

COSTS.

Employment of counsel or solicitor by receiver.

**229**.—(1) Except with the consent in writing of the Superintendent, no counsel or solicitor shall be employed to act for the receiver or others at the expense of the corporation.

Minute on Master's book to have force of formal order or direction.

(2) A minute entered in the Master's book shall have the same force as a formal order or direction; and except in special cases, no costs shall be allowed for attending on or taking out a formal order or direction.

Copy of minute as evidence.

(3) A copy of any minute certified under the hand of the Master shall be *prima facie* evidence thereof, and for every such certificate a fee of 50 cents shall be payable. R.S.O. 1897, c. 203, s. 195 (1-2). *Amended.*

Revision of taxed costs.

(4) Consolidated Rule 1167 or any rule substituted therefor shall apply to any bill of costs payable wholly or in part out of the estate. *New.* (*See* R.S.O. 1897, c. 203, s. 195 (3), and 63 V. c. 17, s. 32.)

(5)

Costs in Master's office to be on County Court scale.

(5) The costs of any matter or proceeding in the Master's office under this Act shall be on the County Court scale. R.S.O. 1897, c. 203, s. 195 (4).

Costs of proceedings in winding up.

(6) The taxed costs of any action, matter or proceeding by the Superintendent or by the receiver with the written consent of the Superintendent, shall be paid out of the funds or estate of the corporation; and except with such consent, no costs shall be allowed out of the estate for separate or other representation of members or certificate holders of the corporation or for the representation of any class of members or certificate holders, and the costs of all other actions, matters, or proceedings shall be in the discretion of the Court. R.S.O. 1897, c. 203, s. 195 (5.)

Costs of winding up to be first charge on estate.

(7) All costs, charges and expenses properly incurred in the receivership and winding up of the corporation, including the remuneration of the receiver, shall be payable out of the assets of the corporation in priority to all other claims. R.S.O. 1897, c. 203, s. 195 (6).

Accounts, bills of costs.

**230.**—(1) Every account to be passed or bill of costs to be taxed, payment of which is to be made out of the estate, shall be rendered in duplicate to the receiver and the receiver shall deliver or transmit one duplicate to the Superintendent at least ten days before the day appointed for the passing of the account or taxation of the bill of costs.

Evidence of compliance with subs. 1 before passing or taxation.

(2) The passing of the account or taxation of the bill of costs shall not be proceeded with until proof has been furnished by the production of the receipt of the Superintendent or otherwise to the officer before whom the account is to be passed or the bill of costs is to be taxed that the provisions of subsection 1 have been complied with. R.S.O. 1897, c. 203, s. 194 (2), *last part;* and 63 V. c. 17, s. 31. *Redrafted.*

PRIORITY OF CLAIMS FOR WAGES.

Clerks and wage-earners to be preferred creditors.

**231.** Subject to the provisions of subsection 7 of section 229, the Master in distributing the assets of the corporation shall direct payment in priority to the claims of the ordinary or general creditors of the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date when the corporation became unregistered or within one month before, not exceeding three months' salary or wages, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims. R.S.O. 1897, c. 203, s. 195 (7). *Amended.*

PURCHASE OF ASSETS BY OFFICERS AND OTHERS.

Purchase of assets by officers, etc., prohibited.

**232.** Any purchase of assets of an unregistered or liquidating corporation, or of any member's right to rank on the assets, or of a member's dividend by any person directing, managing, auditing, or employed by the corporation within three years next before receivership or liquidation, or any such purchase by any receiver, or liquidator, or by an inspector is prohibited, and any such pretended purchase or assignment shall be void. R.S.O. 1897, c. 203, s. 193 (5). *Amended.*

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## PART II.

PROVISIONS RELATING TO LIVE STOCK INSURANCE CONTRACTS.

Meetings to establish companies, how called.

**233.**—(1) Ten owners of live stock in any municipality or association of municipalities may call a meeting of the owners of live stock to consult whether it is expedient to establish therein a live stock insurance company, upon the mutual plan. R.S.O. 1897, c. 204, s. 2. *Amended.*

Organization —application of several provisions.

(2) The mode of calling such meeting and the proceedings for the formation of the company shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance company except that the determination that it is expedient to establish the company shall be by thirty residents of the municipality being owners of live stock in Ontario and that the meeting for the organization of the company shall not be held unless and until fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the company which in the aggregate shall amount to $50,000 at least. *New.* (*See* R.S.O. 1897, c. 204, ss. 4, 5.)

Property which may be insured.

**234.** The company may, within the limits prescribed by the license insure against loss of live stock by fire, lightning, accident, disease or any other means, except that of design on the part of the assured or by the invasion of an enemy, or by insurrection. R.S.O. 1897, c. 204, s. 52.

Application of provisions as to fire insurance.

**235.** The following provisions of this Act relating to fire insurance contracts shall apply to live stock insurance contracts,—

(*a*) The provisions as to the form and contents of the policy;

(*b*)

(*b*) The provisions as to the conditions including the statutory conditions numbered 1, 3, 5, 6 (*a*), (*b*), 7, 8, 13, 14, 15, 16, 17, 18 (*a*), (*b*), (*c*), 19, 20, 21, 22 and 24.

(*c*) Subsection 3 of section 192.

The following additional condition shall form part of every live stock insurance contract:

The insurance may be terminated by the company by giving seven days' notice to that effect. *New.*

Term of contract.

**236.**—(1) Contracts of insurance shall not in any case exceed the term of two years.

Renewing policies.

(2) A contract made for one year or any shorter period, may be renewed from time to time at the discretion of the directors by renewal receipt instead of by policy, on the insured paying the required premium, or giving his premium note or undertaking; and all payments for renewal by cash or premium notes shall be made at or before the end of the period for which the policy was granted or renewed, otherwise the policy shall be void.

Premium note, limitation of amount.

(3) No premium note taken under any contract of insurance shall exceed forty per centum or be less than ten per centum per annum of the sum insured, and no renewal receipt shall extend the contract beyond two years from the date of the policy. R.S.O. 1897, c. 204, s. 51. *Redrafted.*

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## PART III.

### PROVISIONS RELATING TO WEATHER INSURANCE CONTRACTS

Interpretation.

**237.**—(1) In this Part,

"Agricultural Property."

(*a*) "Agricultural Property" shall include dwelling-houses, stables, barns, sheds and outbuildings, and their contents, waggons, carriages, and other vehicles; saddles and harness; agricultural engines, implements, tools, instruments, appliances and machinery; household goods, wearing apparel, provisions, musical instruments, and libraries; live stock; growing crops, and crops severed from the land; fruit and ornamental trees, shrubs and plants; and live or standing timber, being upon farms as farm property, and owned by members of the company in which the property is insured.

(*b*)

(*b*) "Weather Insurance" shall mean and include the insurance of any kind of agricultural property against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance shall specify. 4 Edw. VII. c. 16, s. 2 (1, 2). "Weather Insurance."

**238.**—(1) Ten owners of agricultural property in any municipality or association of municipalities may call a meeting of the owners of agricultural property to consult whether it is expedient to establish therein a weather insurance company upon the mutual plan. *New.* Meeting to establish.

(2) The mode of calling such meeting and the proceedings for the formation of the company shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance company except that the determination that it is expedient to establish the company shall be by thirty residents of the municipality being owners of agricultural property in Ontario, and that the meeting for the organization of the company shall not be held unless and until fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the company which in the aggregate shall amount to $50,000 at least. *New.* Organization.

**239.**—(1) The following provisions of this Act relating to fire insurance contracts shall apply to weather insurance contracts:— Application of certain provisions as to fire insurance.

(*a*) The provisions as to the form and contents of the policy;

(*b*) The provisions as to conditions including the statutory conditions numbered 1, 3, 5, 6 (*a*), (*b*), 7, 8, 13, 14, 15, 16, 17, 18 (*a*), (*b*), (*c*), 19, 20, 21 ,22 and 24;

(*c*) Subsection 3 of section 192. (*See* 4 Edw. VII. c. 16, ss. 7, 8.)

(2) The following additional conditions shall form part of every weather insurance contract: Additional conditions.

(i) The insurance may be terminated by the company by giving seven days' notice to that effect.

(ii) The company is not liable for loss or damage occurring to buildings or structures or to their respective contents where the buildings or structures have been weakened by subsequent alterations; unless permission to make such alterations has been previously granted in writing signed by a duly authorized Where buildings or structures have been weakened by alterations made without consent.

ized agent of the company. (*See* 4 Edw. VII. c. 16, s. 7, par. 10, cl. (*b*).

Contract of insurance not to exceed three years.

**240**. A contract of weather insurance shall not in any case exceed the term of three years. 4 Edw. VII. c. 16, s. 4.

Fixed payments on premium note. Premium note as to the balance to be subject to assessment

**241**. On every premium note taken by the company there shall be payable at the commencement of each year of insurance a fixed sum amounting to at least one-fifth of one per centum of the sum insured: and the premium note shall, as to the balance thereof, be subject to assessment by the directors. 4 Edw. VII. c. 16, s. 5.

## PART IV.

### GENERAL PROVISIONS.

Fees, on incorporation.

**242**.—(1) Until otherwise prescribed by the Lieutenant-Governor in Council the fees for Letters Patent of Incorporation under this Act shall be as mentioned in Schedule D. R.S.O. 1897, c. 203, s. 196. *Redrafted.*

Other fees.

(2) Until otherwise prescribed by the Lieutenant-Governor in Council, the fees set out in Schedules E to H shall be payable in respect of the matters therein mentioned. *New.*

To be paid to department.

(3) The fees prescribed in Schedules D. to H. shall be payable to the Department of Insurance. *New. See* R.S.O. 1897, c. 203, s. 197.

When term of license or registry not more than one month.

(4) When the fee for any term of license or registry under Schedules D. to H. exceeds $10, the fee for a certificate covering a period of six months or under shall be one-half of the fee payable for the full term. R.S.O. 1897, c. 203, s. 197, Div. IV., *proviso;* and 3 Edw. VII. c. 15, s. 10 (3). *Amended.*

To be paid before steps taken.

**243**. The fees payable upon an application or in respect of any document or instrument to be filed, examined or deposited, shall be paid before the application is considered, or the document or instrument is filed, examined or deposited; and in the case of registry or certificates of registry, the fees shall be payable before the corporation is registered. R.S.O. 1897, c. 203, s. 198. *Redrafted.*

Regulations.

**244**.—(1) The Lieutenant-Governor in Council may make regulations for

(*a*) Extending the provisions of this Act or any of them, to any system of insurance not particularly mentioned herein;

(*b*)

(*b*) Generally for the better administration of the Department and the carrying out of the provisions of this Act.

(2) Every Order in Council made under this section shall be laid before the Assembly forthwith if the Assembly is then in Session and if not then in Session then within fifteen days after the opening of the next Session. Regulations to be laid before Assembly.

**245**. The following Acts and parts of Acts are repealed,— Repeal.

Chapter 203 of the Revised Statutes of Ontario, 1897 (*The Ontario Insurance Act*). Rev. Stat., c. 203.

Chapter 204 of the Revised Statutes of Ontario, 1897 (*An Act respecting the Insurance of Live Stock*). Rev. Stat., c. 204.

Chapter 21 of the Acts passed in the second Session held in the 62nd year of the reign of Her Late Majesty Queen Victoria (*An Act to amend The Ontario Insurance Act*). 62 V. (2) c. 21.

Sections 23 to 32 of Chapter 17 of the Acts passed in the 63rd year of the said reign (*An Act to amend the Statute Law*). 63 V. c. 17, ss. 23-32.

Chapter 21 of the Acts passed in the 1st year of the reign of His Late Majesty King Edward the Seventh (*An Act to amend The Ontario Insurance Act*). 1 Edw. VII. c. 21.

Section 22 of Chapter 12 of the Acts passed in the 2nd year of the said reign (*An Act to amend the Statute Law*). 2 Edw. VII. c. 12, s. 22.

Chapter 15 of the Acts passed in the 3rd year of the said reign (*An Act to amend The Insurance Act*). 3 Edw. VII. c. 15.

Chapters 15 and 16 of the Acts passed in the 4th year of the said reign (*An Act to amend The Ontario Insurance Act,* and *An Act respecting Weather Insurance*). 4 Edw. VII. c. 15, 16.

Chapter 36 of the Acts passed in the 7th year of the said reign (*An Act to amend The Ontario Insurance Act*). 7 Edw. VII. c. 36.

Section 45 of Chapter 33 of the Acts passed in the 8th year of the said reign (*TheStatute Law Amendment Act, 1908*). 8 Edw. VII. c. 33, s. 45.

Sections 16, 43, and 46 of Chapter 26 of the Acts passed in the 9th year of the said reign (*The Statute Law Amendment Act, 1909*). 9 Edw. VII. c. 26, ss. 16, 43, 46.

Sections 5 and 18 of Chapter 26 of the Acts passed in the 10th year of the said reign (*The Statute Law Amendment Act, 1910*). 10 Edw. VII. c. 26, ss. 5, 18.

**246**.

Application of certain sections of the Ontario Companies Act

**246.** Except where the provisions of this Act are inconsistent with them, sections 47, 49, 52 to 60, 70 to 75, 93 and 96 of *The Ontario Companies Act* shall apply substituting for the words "Provincial Secretary" wherever they occur the word "Superintendent."

Commencement of Act

**247.** Sections 162 to 201 of this Act shall come into force on the 1st day of August, 1912, and the remaining sections of this Act shall come into force forthwith.

## SCHEDULE A.

[*Section* 73 (2) (*g*).]

| Age at entry. | Net level Premium for all-life insurance of $1,000. | | | |
|---|---|---|---|---|
| | Yearly, in advance. | Half-yearly, in advance. | Quarterly, in advance. | Monthly, in advance. |
| | $ | $ | $ | $ |
| 18 | 9.86 | 5.00 | 2.51 | .84 |
| 19 | 10.20 | 5.18 | 2.60 | .87 |
| 20 | 10.55 | 5.36 | 2.69 | .90 |
| 21 | 10.91 | 5.53 | 2.78 | .93 |
| 22 | 11.28 | 5.71 | 2.87 | .96 |
| 23 | 11.66 | 5.89 | 2.96 | .99 |
| 24 | 12.03 | 6.07 | 3.05 | 1.02 |
| 25 | 12.42 | 6.25 | 3.14 | 1.05 |
| 26 | 12.76 | 6.43 | 3.23 | 1.08 |
| 27 | 13.12 | 6.60 | 3 32 | 1.11 |
| 28 | 13.49 | 6.78 | 3.41 | 1.14 |
| 29 | 13.87 | 7.02 | 3.53 | 1.18 |
| 30 | 14.31 | 7.20 | 3.62 | 1.21 |
| 31 | 14.76 | 7.44 | 3.74 | 1.25 |
| 32 | 15.22 | 7.68 | 3.86 | 1.29 |
| 33 | 15.73 | 7.91 | 3.98 | 1.33 |
| 34 | 16.25 | 8.21 | 4.13 | 1.38 |
| 35 | 16.82 | 8.51 | 4.28 | 1.43 |
| 36 | 17.42 | 8.81 | 4.43 | 1.48 |
| 37 | 18.05 | 9.10 | 4.57 | 1.53 |
| 38 | 18.71 | 9.46 | 4.75 | 1.59 |
| 39 | 19.42 | 9.82 | 4.93 | 1.65 |
| 40 | 20.18 | 10.17 | 5.11 | 1.71 |
| 41 | 20.97 | 10.59 | 5.32 | 1.78 |
| 42 | 21.81 | 11.01 | 5.53 | 1.85 |
| 43 | 22.70 | 11.48 | 5.77 | 1.93 |
| 44 | 23.65 | 11.96 | 6.01 | 2.01 |
| 45 | 24.66 | 12.44 | 6.25 | 2.09 |
| 46 | 25.72 | 12.97 | 6.52 | 2.18 |
| 47 | 27.31 | 13.80 | 6.94 | 2.32 |
| 48 | 28.10 | 14.16 | 7.12 | 2.38 |
| 49 | 29.36 | 14.82 | 7.45 | 2.49 |
| 50 | 30.72 | 15.53 | 7.80 | 2.61 |
| 51 | 32.17 | 16.24 | 8.16 | 2.73 |
| 52 | 33.71 | 17.02 | 8.55 | 2.86 |
| 53 | 35.34 | 17.85 | 8.97 | 3.00 |
| 54 | 37.07 | 18.74 | 9.42 | 3.15 |
| 55 | 38.94 | 19.64 | 9.87 | 3.30 |

R.S.O. 1897, c. 203, Sched. A.

SCHEDULE

# SCHEDULE B.

## FORMS.

[*Section* 214 (1).]

FORM 1.

INTERIM RECEIVER'S APPLICATION FOR CONFIRMATION OR DISCHARGE.

In the High Court of Justice,

In the matter of *The Ontario Insurance Act.*

And in the matter of (*name of corporation*), an unregistered insurance corporation.

I, C. D., by virtue of *The Ontario Insurance Act*, (*or* of an order made under The Ontario Insurance Act *as the case may be*), interim receiver for the above named corporation, do on the grounds set forth in the annexed affidavit apply to the Court for my confirmation in the office of receiver (*or* for my discharge from the office of receiver, *according as the interim receiver applies to be confirmed or discharged*), and for an appointment of a day on which my application will be considered.

Dated at this day of 19 .

C. D.

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FORM 2.

[*Section* 214 (2).]

AFFIDAVIT OF INTERIM RECEIVER.

In the High Court of Justice,

In the matter of *The Ontario Insurance Act.*

And in the matter of (*name of the corporation*) an unregistered insurance corporation and the application of C. D., interim receiver, dated the day of 19 .

I, C. D., by virtue of *The Ontario Insurance Act*, interim receiver for the (*naming the corporation*), make oath and say as follows:

1. The (*naming the corporation*) ceased to be registered under *The Ontario Insurance Act*, on the day of 19 , and thereupon by virtue of the said Act I became interim receiver for the said corporation.

2. When the said corporation so ceased to be registered, I held therein the office of treasurer (*or as the case may be*) and as such officer I had in my custody, possession or power the funds (*or if a corporation having funds separate and distinct from the funds of the insurance branch, then say* insurance funds) of the corporation.

3. All the moneys and securities for money in my custody, possession or power when the said corporation ceased to be registered or subsequently and up to the time of making deposit in the bank as required by the said Act, are fully and truly set out in Schedule A to this my affidavit; and the said deposit thereof is correctly vouched for by the bank's receipts hereto annexed.

4 The other assets of the said corporation, including moneys or securities for money which have come into my charge, custody, possession or power since the time of making the said deposit are fully and truly set out in Schedule B to this my affidavit.

5. As treasurer (*or other officer as the case may be*) of the said corporation, I gave securities for the faithful performance of my duties to the corporation as follows:

*Here specify the securities given; if bonds, give names and addresses of the sureties and the sums in which they are severally bound.*

6. The said securities are still in force and are now in the custody, possession or power of (*here give the name and address of the custodian or bailee*).

[*Where the interim receiver was appointed by order the above paragraphs may be varied to suit the circumstances.*]

7. I have filed herewith an application in the Master's office, praying the court to confirm me in my office as receiver (*or* to discharge me from my office as receiver, *as the case may be*), and the following are the material facts in support of the said application (*here state shortly the material facts*).

Sworn at
this day of 19 . } (*Signature.*)
before me, etc.

R.S.O. 1897, c. 203, Sched. C.

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FORM 3.

[*Section* 216 (2).]

In the High Court of Justice,

In the matter of *The Ontario Insurance Act.*

And in the matter of the (*naming the corporation*) an unregistered insurance corporation.

TAKE NOTICE that C. D., interim receiver of the said corporation, has filed in the Master's office at an application to be confirmed in his office (*or* to be discharged from his office) as receiver, and that the Master has appointed (*place, day and hour*) for the hearing of the said application, at which place and time the Master will make such disposition of the matter as may appear proper.

Dated at the
day of 19

C.D.,
Interim Receiver.

R.S.O. 1897, c. 203, Sched. D.

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FORM 4.

[*Section* 219 (1).]

ADVERTISEMENT FOR CREDITORS.

*Ontario Insurance Act.*

In the High Court of Justice,

In the matter of *The Ontario Insurance Act.*

And in the matter of the (*naming the corporation*), an unregistered insurance corporation.

Pursuant

Pursuant to the judgment and direction of the Superintendent of Insurance herein, dated the day of , 19 , cancelling the registration of the above named corporation (*or as the case may be*).

The creditors and persons (other than holders of unmatured policies or certificates of the corporation) having claims against the corporation are, on or before the day of , 19 , to deliver or send by post, prepaid, to , of , the Receiver of the corporation, an affidavit showing their Christian names and surnames, addresses and descriptions, the full particulars of their claims, a statement of their accounts and the nature of the security, if any, held by them; or, in default thereof, they will be peremptorily excluded from the benefit of such judgment and direction, and from all share in the assets of the estate; and the said creditors and claimants, if so required by notice in writing from the said Receiver, are to come in and prove their debts and claims and produce their securities, if any, before me at my chambers at , on the day of , 19 , at o'clock in the noon, being the time appointed for hearing and adjudicating upon debts and claims; or, in default thereof, they will be excluded from the benefit of any distribution of assets.

The status and rights of persons interested under unmatured policies of the corporation will, in the absence of contestation and without any claim made, be determined by the books and records of the corporation, or of its officers; a schedule showing the said status and rights may be seen in the office of the Receiver at the above address.

Notices and letters respecting the estate or any alleged right or interest therein, are to be addressed to the Receiver as above, and all letters requiring answer are to enclose a stamped and addressed envelope for reply.

Dated this day of , 19 .

Master.

R.S.O. 1897, c. 203, Sched. E.

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## SCHEDULE C.

[*Sections* 107 *and* 219 (4) (*a*).]

RULE FOR VALUING AN ANNUITY.

(1) An annuity required or entitled to be valued under *The Ontario Insurance Act* shall (irrespectively of the state of the health of the annuitant or nominee) be valued according to the table known as the Hm Table of the Institute of Actuaries of Great Britain, interest being reckoned at the rate of four per centum per annum and the age of the life being taken as at the nearest birthday.

RULE FOR VALUING A POLICY OR CONTRACT OF LIFE INSURANCE.

(2) The value of a policy or contract of life insurance required or entitled to be valued under *The Ontario Insurance Act* is (irrespective of the state of health of the assured or policyholder) the difference between the present value of the reversion in the sum insured (including any bonus or addition thereto made before the commencement of the winding up), and the present value of the future net annual premiums.

(3) Such present value shall be computed according to both the tables and the rate of interest mentioned in subsection 5 of section 166 of *The Ontario Insurance Act*.

(4) The premium to be calculated is such net or pure premium as according to the said tables, and said rate of interest is sufficient to provide for the risk incurred by the insurer in issuing the policy or contract exclusive of any loading or addition for office expenses and other charges.

(5) The present value of the reversion at any age is the net single premium that, according to the said tables and said rate of interest, is equivalent to the present value of the net annual premium payable at that age and so long thereafter as required by the policy or contract.

1 Edw. VII. c. 21, s. 1 (2).

## SCHEDULE D.

Incorporation of Joint Stock Companies where the proposed capital stock is.

| | |
|---|---|
| (*a*) $1,000,000 or upwards | $250 00 |
| (*b*) $500,000 or upwards but less than $1,000,000 | 200 00 |
| (*c*) $300,000 or upwards but less than $500,000 | 150 00 |
| (*d*) Supplementary Letters Patent | 50 00 |
| Unless the capital stock of the company is thereby increased, in which case the fee shall be payable upon the amount of the increase under the above scale (*a*), (*b*), (*c*), the minimum fee being $150. | |

## SCHEDULE E.

*Insurance Companies Licensed by the Province.*

| | |
|---|---|
| 1. For examining and passing upon applications or documents under sections 9, 21, 27, 51, 61 | $10 00 |
| 2. For filing power of attorney under section 81 | 5 00 |
| 3. Application for change of name or of head office | 10 00 |
| 4. For initial license to do business:— | |
| Joint Stock Company | 100 00 |
| Mutual | 25 00 |
| 5. For each annual renewal of license:— | |
| Joint Stock Company | 50 00 |
| Cash Mutual Company | 25 00 |
| Mutual | 5 00 |
| 6. For each supplementary license:— | |
| Initial | 20 00 |
| Renewal | 10 00 |
| 7. Fee on Petition for Order-in-Council under sections 51 or 61 | 25 00 |
| 8. For filing annual statements:— | |
| Cash Mutual Company | 5 00 |
| Joint Stock Company | 5 00 |

3 Edw. VII. c. 15, s. 10 (1).

## SCHEDULE F.

FRIENDLY SOCIETIES.

1. In the case of Ontario corporations registered or applying for registry on the Friendly Society Register, the fees shall be as follows:—

*Subdivision*

*Subdivision A.*

Corporations or incorporated branches having in Ontario 500 members or less:—

| | |
|---|---|
| (*a*) Application for initial registry | $2 00 |
| (*b*) Extension of time for making application or delivering documents | 1 00 |
| (*c*) Certificate of registry, original or renewed | 3 00 |
| (*d*) Interim certificates or extension of certificates | 2 00 |
| (*e*) Revivor of registry after suspension | 2 00 |
| (*f*) Change of name or of head office | 4 00 |

*Subdivision B.*

Corporations or incorporated branches having in Ontario over 500 and not more than 1,500 members:—

| | |
|---|---|
| (*a*) Application for initial registry | $3 00 |
| (*b*) Extension of time for making application or delivering documents | 2 00 |
| (*c*) Certificate of registry, original or renewed | 10 00 |
| (*d*) Interim certificate, or extension of certificate | 3 00 |
| (*e*) Revivor of registry after suspension | 6 00 |
| (*f*) Change of name or of head office | 6 00 |

*Subdivision C.*

Corporations or incorporated branches having in Ontario over 1,500 and not more than 2,500 members:—

| | |
|---|---|
| (*a*) Application for initial registry | $4 00 |
| (*b*) Extension of time for making application or delivering documents | 2 00 |
| (*c*) Certificate of registry, original or renewed | 25 00 |
| (*d*) Interim certificate, or extension of certificate | 4 00 |
| (*e*) Revivor of registry after suspension | 8 00 |
| (*f*) Change of name or of head office | 8 00 |

*Subdivision D.*

Corporations or incorporated branches having in Ontario over than 2,500 members:—

| | |
|---|---|
| (*a*) Application for initial registry | $5 00 |
| (*b*) Extension of time for making application or delivering documents | 2 00 |
| (*c*) Certificate of registry, original or renewed | 25 00 |
| (*d*) Interim certificate or extension of certificate | 5 00 |
| (*e*) Revivor of registry after suspension | 10 00 |
| (*f*) Change of name or of head office | 10 00 |

In the case of extra-provincial friendly societies the fees in respect of powers of attorney shall be $5, and in other respects the fees shall be as in subdivision D of this Schedule.

## SCHEDULE G.

Corporations deriving their powers from an Act of Canada:—

| | |
|---|---|
| (*a*) Application for initial registry | $5 00 |
| (*b*) Extension of time for making application or delivering documents | 2 00 |
| (*c*) Filing power of attorney in case of extra-provincial corporations | 5 00 |
| (*d*) Filing change of power of attorney | 5 00 |
| (*e*) Certificate of registry, original or renewed | 150 00 |

| | |
|---|---|
| (*f*) Interim certificate of registry, or extension of certificate | 5 00 |
| (*g*) Revivor of registry after suspension | 25 00 |

2. In the case of corporations licensed under *The Insurance Act of Canada, 1910*, to transact life insurance upon the assessment plan, the fees shall be as follows:—

| | |
|---|---|
| (*a*) Application for initial registry | $5 00 |
| (*b*) Extension of time for making application or delivering documents | 2 00 |
| (*c*) Filing power of attorney in case of extra-provincial corporations | 5 00 |
| (*d*) Filing change of power of attorney | 5 00 |
| (*e*) Certificate of registry, original or renewed | 100 00 |
| (*f*) Interim certificate of registry, or extension of certificate | 5 00 |
| (*g*) Revivor of registry after suspension | 20 00 |

3. In the case of corporations mentioned in clauses (*b*), (*d*) and (*e*) of section 72, the fees shall be as in subdivision A of Schedule "F."

4. In the case of corporations mentioned in clause (*c*) of section 72, the fees shall be as follows:—

| | |
|---|---|
| (*a*) Application for initial registry | $2 00 |
| (*b*) Extension of time for making application or delivering documents | 1 00 |
| (*c*) Filing power of attorney in case of extra-provincial corporations | 2 00 |
| (*d*) Filing change of power of attorney | 2 00 |
| (*e*) Certificate of registry, original or renewed | 3 00 |
| (*f*) Interim certificate of registry, or extension of certificate | 2 00 |
| (*g*) Revivor of registry after suspension | 3 00 |

## SCHEDULE H.

### MISCELLANEOUS.

| | |
|---|---|
| Office copy of decision of Superintendent | $1 00 |
| Certified copy of certificate of registry | 1 00 |
| Certified copy of entry on register | 50 |
| Copies of or extracts from documents filed with or issued by the Superintendent, per folio of 100 words | 10 |
| Also certificate of Superintendent | 1 00 |
| Certificate of exemption from registry | 1 00 |
| Filing of certificate of incorporation or any other separate document required by this Act to be filed in the office of the Provincial Registrar | 1 00 |
| For examining and passing upon applications of companies to have their suretyship bonds authorized by any of the Acts respecting the acceptance of certain corporations as sureties | 10 00 |
| Order-in-Council authorizing such bonds | 100 00 |
| Consent under section 169 (7) | 5 00 |
| Fee for certificate of registry, original or renewed, in the case of corporations, companies, insurers or underwriters transacting inland or ocean marine insurance, also discontinuing corporations, and companies investing surplus funds | 10 00 |

CHAPTER

# CHAPTER 34.

## An Act respecting Loan and Trust Corporations.

*Assented to 16th April, 1912.*


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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Loan and Trust Corporations Act*, R.S.O., 1897, c. 205, s. 1.

Interpretation.

**2.** In this Act,

"Chief agency."

1. "Chief Agency" shall mean the principal office or place of business in Ontario of a corporation which has its head office out of Ontario. R.S.O., 1897, c. 205, s. 2 (4).

"Corporation."

2. "Corporation" shall include a loan corporation, a loaning land corporation and a trust company. R.S.O. 1897, c. 205, s. 2 (5). *Amended.*

"Due application."

3. "Due application" shall include such furnishing of information, evidence, and material as shall be required by the Registrar; the payment of the prescribed fees in respect of any application, certificate or document required or issued under this Act; and also the payment to the Treasurer of Ontario of all taxes due and payable by the applicant company under any Act of Ontario R.S.O., 1897, c. 205, s. 2 (6).

"Extra-provincial corporation."

4. "Extra-Provincial Corporation" shall mean a corporation other than one incorporated under the law of Ontario. R.S.O., 1897, c. 205, s. 2 (10).

"Head office."

5. "Head Office" shall mean the place where the chief executive officers of the corporation transact its business. R.S.O., 1897, c. 205, s. 2 (7).

"Law of Ontario."

6. "Law of Ontario" shall include any law of the former Province of Canada, or of Upper Canada, continued as the law of Ontario, or consolidated or incorporated with the law of Ontario. R.S.O., 1897, c. 205, s. 2 (8).

7.

7. "Loan Corporation" shall include every incorporated company, association or society not being a chartered bank of Canada, or an insurance corporation, constituted, authorized or operated for the purpose of lending money, or for that and any other purpose, but shall not include a loaning land corporation or a trust company. *New.* "Loan corporation."

8. "Loaning Land Corporation" shall mean a loan company whose powers include the business of buying and selling land. "Loaning Land Corporation."

9. "Minister" shall mean the member of the Executive Council under whose direction this Act is administered. R.S.O., 1897, c. 205, s. 2 (9). "Minister"

10. "Paid in," as applied to the capital stock of a corporation or to any shares thereof shall mean the amount paid to the corporation on its shares (not including the premium, if any, paid on such shares) whether such shares are or are not fully paid up. 3 Edw. VII., c. 16, s. 1. "Paid in."

11. "Paid up," when applied to any share, shall mean a share on which there remains no liability, actual or contingent, to the issuing corporation. 3 Edw. VII., c. 16, s. 1. "Paid up."

12. "Permanent Stock," or "Permanent Shares," shall include all stock, or all shares of permanent or fixed capital not liable to be withdrawn from or repaid by the corporation. R.S.O., 1897, c. 205, s. 2 (11). "Permanent stock." "Permanent shares."

13. "Provincial Corporation" shall mean a corporation incorporated under the law of Ontario, and operated under the Act or instrument by virtue of which the corporation became so incorporated. R.S.O., 1897, c. 205, s. 2 (13). "Provincial corporation."

14. "Real Estate" shall include messuages, lands, rents and hereditaments, whether freehold or of any other tenure, and whether corporeal or incorporeal, and leasehold estates, and any undivided share thereof, and any estate, right or interest therein. R.S.O. 1897, c. 205, s. 2 (15). *Amended.* "Real estate."

15. "Registered Corporation" shall mean a Corporation registered under this Act. R.S.O., 1897, c. 205, s. 2 (16). "Registered corporation."

16.

"Trust Company."

16. "Trust Company" shall mean a company constituted or operated for the purpose of acting as trustee, agent, executor, administrator, receiver, liquidator, assignee, guardian of a minor's estate, or committee of a lunatic's estate. *New.*

INCORPORATION.

Incorporation of loan corporation

**3**—(1) An application for the incorporation of a loan corporation or of a loaning land corporation shall be made by petition to the Lieutenant-Governor in Council through the Minister in the prescribed form, and shall be delivered to the Registrar. R.S.O., 1897, c. 205, s. 3 (1), (3) *part;* 63 Vic., c. 27, s. 3.

Notice of application for incorporation.

(2) The applicants shall for one month next before filing their application with the Registrar publish a notice thereof in the *Ontario Gazette,* and shall also before such filing give the like notice at least once in a newspaper published in the locality in which the head office is to be established.

Application to include certain information.

(3) The notice shall state the proposed corporate name, the location of the head office, which shall be in Ontario, the purposes of the corporation, and for what amount of permanent capital stock authorization will be asked, with the number of shares and the par value of the share. R.S.O., 1897, c. 205, s. 3 (2). *Amended.*

Further information.

(4) The applicants shall furnish such further information as may be required by the Minister or the Registrar. R.S.O. 1897, c. 205, s. 2 (3). *Amended.*

Application for incorporation to be accompanied by a declaration.

(5) The application shall be accompanied by the original, or one of the duplicate originals, of a declaration adopted at a general meeting of the promoters, and executed under their respective hands and seals by at least twenty-five persons present at the meeting who are subscribers for shares. R.S.O., 1897, c. 205, s. 3 (4).

Contents of declaration.

(6) The declaration shall set out the names in full and the address and calling of each of the declarants and shall declare: that the said declarants assembled at on (*naming the place and time*); being chairman, and being secretary of the meeting (*naming them*) did there and then agree to constitute themselves a provisional corporation by the name of (*mentioning the proposed corporate name*) under *The Loan and Trust Corporations Act,* and under the proposed by-laws there and then adopted, and annexed to the

declaration

declaration; also that the following persons, five in number (*naming them*) were elected provisional directors. R.S.O., 1897, c. 205, s. 3 (5); 63 Vic., c. 27, s. 9.

(7) The Minister may refer the application or any question arising thereunder to the Registrar for a report, and the Registrar shall report thereon. R.S.O., 1897, c. 205, s. 3 (6); 63 Vic., c. 27, s. 3 (3). Reference of application to Registrar.

**4.**—(1) Three copies of the proposed by-laws shall accompany the declaration, one copy duly certified being annexed thereto. R.S.O., 1897, c. 205, s. 4. *Amended.* By-laws to accompany declaration and set forth certain particulars.

(2) Subject to this Act the by-laws shall make provision for the following matters:— Contents of.

(*a*) The proposed corporate name, and the location of the head office of the corporation; Corporate name and head office.

(*b*) The purposes for which the corporation is to be constituted; Purposes.

(*c*) They shall declare that the capital stock of the company consists exclusively of permanent capital stock divided into a stated number of shares each of a stated uniform amount; and shall also declare what respective amounts of such capital stock are before the commencement of business to be authorized, subscribed, and paid in; with the proviso that no shares shall be issued at a discount, or upon any terms, agreement or understanding that the taker or holder shall be liable for any less amount than the par value of the shares, less the calls paid thereon. R.S.O., 1897, c. 205, Schedule A (3); 63 Vic., c. 27, s. 2 (1). *Amended.* Capital stock. No capital stock to be issued at a discount.

(*d*) They shall define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations, and shall declare within what limits such borrowing powers are to be exercised, and whether by issuing debentures or debenture stock, or otherwise. R.S.O. 1897, c. 205, Schedule A (9). Borrowing powers.

(*e*) They shall provide for the holding of general meetings, ordinary and special, of the shareholders; shall prescribe the time and place of the ordinary general meetings, of which one at least shall be By-laws for general meetings, etc.

held

held in each year, and the notice to be given of ordinary general meetings, and the notice to be given of special general meetings;

Directors, officers and servants

(*f*) They shall provide for the election of directors, prescribe their number, powers, duties, and term of office, and the number necessary to constitute a quorum;

*See also as to term of office, etc., s. 83, et seq.*

Security by officers

(*g*) They shall prescribe the securities, and the minimum amount thereof, to be taken for the fidelity of the person or persons having custody or control of the funds of the corporation;

Audits

(*h*) They shall provide for the proper audit, at least yearly, of the books and accounts of the corporation, by two or more competent accountants, who shall not be otherwise employed by the corporation, or be otherwise officers thereof;

Statements to shareholders

(*i*) They shall require that there be delivered to each shareholder before the annual meeting a financial statement, verified by the auditors, showing fully and truly the income and expenditure (including the expenses of management) of the corporation for the period audited, and the liabilities and assets of the corporation as at the date of the statement. R.S.O., 1897, c. 205, Schedule A (10). *Redrafted.*

Amendment of by-laws

(*j*) They shall provide for their amendment by the shareholders in general meeting, after at least thirty days' notice in writing of the particular amendment or amendments proposed has been given to each shareholder and to the Registrar. R.S.O., 1897, c. 205, Schedule A (11).

Stock subscription.

**5**. A sworn copy of the stock subscription shall also be filed with the Registrar, containing such particulars as he may require. R.S.O., 1897, c. 205, Sched. A.

Minister may direct amendment of by-laws

**6**. On receiving an application for incorporation or registry if the Minister finds in the by-laws of the applicant anything repugnant to this Act or to the law of Ontario, he may direct an amendment of the by-laws; and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. R.S.O. 1897, c. 205, s. 5.

**7**.

Prerequisites to incorporation.

**7.**—(1) For purposes of incorporation the applicants shall prove to the satisfaction of the Registrar that at least $300,000 of stock has been subscribed for and taken up *bona fide* by responsible subscribers, each of the applicants holding at least ten shares in his own right and to his own use, that in the case of trust companies at least $100,000, and in other cases at least $30,000, of such subscribed stock has been paid by the subscribers into a branch or agency in Ontario of some chartered bank of Canada in trust for the proposed corporation, and that each subscriber has out of his own money contributed to the amount so paid in rateably according to the number of shares subscribed for by him. R.S.O., 1897, c. 205, Sched. A. (3). *Amended.*

*See Order in Council of 28th October, 1907.*

New corporation to acquire assets of existing corporation.

(2) Where the corporation is not to be a trust company and is to be constituted for the purpose of acquiring the assets of one or more existing corporations and the proposed consideration for the transfer of such assets is to consist wholly or in part of shares of the capital stock of the new corporation, the Lieutenant-Governor in Council may dispense to such extent as he may deem proper with the requirements of subsection 1 as to subscription and payment. 3 Edw. VII., c. 16, s. 4 (2). *Amended.*

Par value of share.

**8.** Subject as hereinafter provided the par value of a share of capital stock shall not be less than $50 nor more than $100. (*new*).

All stock and shares in new Corporations to be permanent.

**9.**—(1) All stock and shares in corporations hereafter incorporated shall be fixed, permanent, and non-withdrawable. 63 Vic., c. 27, s. 2 (1).

Terminating shares not to be issued, when not issuable prior to 17th March, 1900.

(2) A corporation which had not on or prior to the seventeenth day of March, 1900, issued terminating stock or shares, shall not make or issue such stock or shares. 63 Vic. c. 27, s. 2 (2).

No Loan Corporation (not already registered) to be registered if any part of its stock or shares is terminating.

(3) A corporation not registered on the first day of July, 1900, shall not be granted registry if the stock or shares of the corporation consist of or include terminating stock or shares. 63 Vic., c. 27, s. 2 (3).

Letters patent of incorporation.

**10.**—(1) A grant of incorporation shall be by Letters Patent.

Contents of letters patent.

(2) The Letters Patent shall set forth the name under which, and the date at which, the corporation became incorporated; the location of the head office; the amount of stock authorized; and the business to be undertaken by the corporation, distinguishing between the several classes of business mentioned in section 115. R.S.O., 1897, c. 205, s. 7 (1); 63 Vic., c. 27, s. 2 (1).

**11.**

Application for letters patent by existing corporation

**11.**—(1) A Provincial corporation incorporated for purposes or objects within the scope of this Act, whether under a special or general Act, and being at the time of its application a subsisting and valid corporation, may apply for Letters Patent under this Act; and the Lieutenant-Governor in Council may grant Letters Patent incorporating the shareholders or members of the corporation as a corporation under this Act.

Powers may be extended and new name given

(2) Where an existing corporation applies for the issue of Letters Patent under the provisions of subsection 1, the Lieutenant-Governor in Council may by Letters Patent, extend the powers of the corporation to such other objects within the scope of this Act as the applicant desires, name the first directors of the new corporation, and give to it the name of the old corporation or any other name.

Rights of creditors.

(3) All rights of creditors against the property, rights and assets of a corporation re-incorporated under the provisions of this section, and all liens upon its property, rights and assets, shall be unimpaired by such re-incorporation, and all debts, contracts, liabilities and duties of the original corporation shall thenceforth attach to the new corporation, and may be enforced against it to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it. (See 7 Edw. VII., c. 34, ss. 9, 10, 11).

Incorporation may be for a time limited or unlimited.

**12.**—(1) Incorporation may be granted without limitation of time, or for any limited term of years not less than ten.

Letters patent to specify term.

(2) Where incorporation is granted for a limited term of years, the Letters Patent shall specify the first and the last day of the term.

Forfeiture of franchise for non-user.

(3) If a corporation incorporated under the law of Ontario does not go into actual *bona fide* operation within two years after incorporation, or at any time for two consecutive years does not use its corporate powers for the purposes set forth in the Act or instrument of incorporation, such non-user shall *ipso facto* work a forfeiture of the corporate powers except so far as may be necessary for winding up the corporation.

Onus of proof of user.

(4) In any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation. R.S.O., 1897, c. 205, s. 8 (1); 63 Vic., c. 27, s. 5 (1).

Renewal or terminating charter.

(5) Where incorporation has been granted for a limited term application may, upon the like notice as is required by section 3, be made on or before the expiry of the term, for the renewal or extension of the incorporation, and the incor-

poration

poration may be renewed or extended by Letters Patent either without limitation of time, or for a limited term. R.S.O., 1897, c. 205, s. 8 (2).

First directors of the corporation.

**13.** Where incorporation is granted, the provisional directors named in the declaration of the applicants shall be the first directors of the corporation, and shall continue in office until their successors are duly elected. R.S.O., 1897, c. 205, s. 6.

First by-laws of corporation.

**14.** The by-laws accompanying the declaration, mentioned in sections 3 and 4, with such amendments thereof as may have been required by the Minister, shall be the first by-laws of the corporation, and shall take effect and be in force from the date of the incorporation. R.S.O., 1897, c. 205, s. 8 (6).

TRUST COMPANIES.

When letters patent of incorporation may issue.

**15.**—(1) Letters Patent of incorporation of a trust company may issue where it is shown to the satisfaction of the Lieutenant-Governor in Council that, in the locality in which the head office of the proposed company is to be situate, there exists a public necessity for a trust company, or for an additional trust company.

Proportion of stock to be held in Ontario.

(2) At all times at least three-fourths of the shares of a company shall be held by persons who are residents of Ontario, or by companies incorporated under the law of Ontario.

Forfeiture where smaller proportion so held.

(3) If at any time it is shown to the satisfaction of the Lieutenant-Governor in Council that less than three-fourths of the shares of the company are so held, the Letters Patent incorporating the company may be revoked under the provisions of section 21.

Satisfying Lieutenant-Governor of fitness of applicants.

(4) Letters Patent shall not issue unless the Lieutenant-Governor in Council is satisfied that the fitness of the applicants to discharge the duties of a trust company is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for. O.C., 28th Oct., 1907, and see 7 Edw. VII., c. 34, s. 148. *Part.*

Procedure for incorporation.

**16.** The proceedings leading to incorporation shall be as hereinbefore prescribed for the incorporation of loan corporations. O.C., 28th Oct., 1907.

Prohibition against taking deposits or issuing debentures

**17.**—(1) A trust company incorporated under the law of Ontario shall not borrow money by taking deposits or by issuing debentures or debenture stock, and Letters Patent incorporating any such company shall expressly prohibit it from so doing. (*See* 7 Edw. VII. c. 34, s. 153.)

(*See Order in Council of 28th Oct., 1907.*)

Certain undertakings not to be deemed debentures.

(2) Where money is entrusted to the company for the *bona fide* purpose of its being invested by the company as trustee for, or as agent of, the person by whom it is entrusted the guarantee by the company of the repayment of the same or of the payment of the interest thereon at such rate as may be agreed on on fixed days, shall not be deemed to be a debenture nor shall the money be deemed to be money borrowed by the company by issuing debentures within the meaning of sub-section 1. *New.*

Powers which may be conferred on trust companies.

**18.**—(1) Subject to the provisions of the next preceding three sections, and to the law of Ontario, the Letters Patent may authorize the company to exercise any or all of the following powers:

Accept property on trust.

(*a*) To take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, or conveyed to the company with its consent, upon any trust or trusts whatsoever not contrary to law, at any time or times, by any person or persons, body or bodies corporate, or by any Court in Ontario;

Accept deposits of property for safe keeping.

(*b*) To take and receive as trustee or as bailee, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures, or other valuable papers or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe keeping of the same;

Act as attorney or agent.

(*c*) To act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money;

Issue and countersign stock, certificates, bonds, etc.

Manage sinking funds.

(*d*) To act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any association or municipal or other corporation, and to receive, invest and manage any sinking fund therefor on such terms as may be agreed upon;

(*e*)

(*e*) To accept and execute the offices of executor, administrator, trustee, receiver, liquidator, assignee, or of trustee for the benefit of creditors under any Act of this Legislature, and of guardian of any minor's estate, or committee of any lunatic's estate; to accept the duty of and act generally in the winding up of estates, partnerships, companies and corporations; Act as executor, etc.

(*f*) To invest any trust money in the hands of the company in any securities in which private trustees may by law invest trust moneys, and also in the debentures of any municipal corporation in the Provinces of Manitoba, Saskatchewan, or Alberta, or in any other province which may be named by the Lieutenant-Governor in Council; (See 1 Geo. V., c. 17, s. 69.) Invest trust funds.

(*g*) To guarantee any investment made by the company as agent or otherwise; Guarantee investments.

(*h*) To sell, pledge or mortgage any mortgage or other security, or any other real or personal property held by the company and to make and execute all requisite conveyances and assurances in respect thereof; Sell or mortgage property.

(*j*) To make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the company, and to promote its objects and business; Make deeds, transfers, etc.

(*k*) And for all such services, duties and trusts to charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses. O.C., 28th Oct., 1907. Collect costs charges and expenses for services.

(2) A trust company may invest any money held by it other than trust money in any of the securities authorized in the case of a loan corporation or loaning land corporation, by section 27. Investment of reserve, etc., of trust company.

**19**. The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, liquidator, assignee, guardian, or committee, shall be the same as if the estate had been held by any private person in the like capacity, and the company's powers shall be the same. O.C., 28th Oct., 1907. Liability, extent of.

**20**.—(1) Where a trust company is authorized to execute the office of executor, administrator, trustee, receiver, liquidator, assignee, guardian, or committee, and the Lieutenant-Governor in Council approves of such company being accepted as a trust company for the purposes of the High Court, every Court Approval of company for the acceptance of the Court in certain fiduciary officers.

Court or Judge having authority to appoint such an officer, may, with the consent of the company, appoint such company to exercise any of such offices in respect of any estate or person under the authority of such Court or Judge, or may grant to such company probate of any will in which such company is named as an executor, but no company which has issued or has authority to issue debentures or debenture stock, or which has received or has authority to receive, deposits, shall be approved.

Appointment of company as sole

(2) A trust company so approved may be appointed to be a sole trustee, notwithstanding that but for this Act it would be necessary to appoint more than one trustee.

or joint trustee.

(3) A trust company so approved may be appointed to any of the offices mentioned in subsection 1 jointly with another person.

When appointment may be made by court. 1 Geo. V., c. 26.

(4) Such appointment may be made whether the trustee is required under the provisions of any deed, will or document creating a trust or whether the appointment is under the provisions of *The Trustee Act* or otherwise.

Security not required.

(5) Notwithstanding any rule or practice or any provision of any Act requiring security, it shall not be necessary for the company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, liquidator, assignee, guardian, or committee unless otherwise ordered.

Revocation of approval.

(6) The Lieutenant-Governor in Council may at any time revoke the approval given under this section. 8 Edw. VII. c. 43, s. 2. *Amended.*

REVOCATION OF CHARTER.

Amendment, suspension or revocation of charter or corporate franchise.

**21.** The charter or powers of a corporation may, at any time, for cause shown to his satisfaction, be amended, suspended, or revoked and made void by the Lieutenant-Governor in Council. 63 Vic. c. 27, s. 5 (2).

EXTRA PROVINCIAL BUSINESS.

Extension of business beyond the Province.

**22.**—(1) Where the existence or operation of a Provincial corporation is not by the Act or instrument constituting it, limited in time or area, the corporation may, in general meeting of the members, called for that purpose by notice duly given, pass a by-law authorizing its directors to extend the business of the corporation beyond Ontario, but in compliance with the law of the country to which the business may be so extended; and the directors may give effect to such by-law without being liable or responsible as for any breach of trust in so doing. R.S.O., 1897, c. 205, s. 9 (1).

(2)

(2) Where, as provided in this section, a Provincial corporation carries on business outside of Ontario, the corporation may in general meeting of the members, called for that purpose by notice duly given, pass a by-law authorizing the directors to invest the money of the corporation in the erection or purchase of buildings required for the occupation of the corporation in any place where the corporation is so carrying on business and in conformity with the law of the country in which such place is situate. R.S.O., 1897 c. 205, s. 9 (2). Erection or purchase of buildings required for use of corporation in the foreign jurisdiction.

CALLS.

**23.**—(1) The directors may call in and demand from the shareholders the amount unpaid on shares by them subscribed or held, at such times and places and in such payments or instalments as the Special Act, Letters Patent or this Act, or the by-laws of the corporation require or allow; and interest shall accrue upon the amount of any unpaid call, from the day appointed for payment thereof. (See R.S.O., 1897, c. 205, s. 15 (2), and 7 Edw. VII., c. 34, s. 55.) Calling in instalments.

(2) The demand shall state that in the event of non-payment the shares in respect of which the call was made will be liable to be forfeited. *New.* Requisites of demand.

**24.**—(1) Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid on such shares, shall be the amount recoverable, with costs, against such shareholder. Liability of shareholders.

(2) Any shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the company, except a claim for unpaid dividend, or a salary or allowance as a president or a director of the company. (See R.S.O., 1897, c. 205, s. 24, and 7 Edw. VII., c. 34, ss. 68, 69.) Set-off.

LENDING POWERS.

**25.**—(1) No borrower, whether he is or is not a shareholder in the corporation, shall be bound by the by-laws or rules thereof unless either the words "subject to the by-laws of the corporation," or the words "subject to the rules When borrower bound by rules.

of

of the corporation," as the case may be, are printed in conspicuous type on the back, and as part of the indorsement of the mortgage or other security given by him.

Who to be subject to by-laws, etc.

(2) Although the mortgage or other security is so endorsed a borrower from the corporation who is not a shareholder shall not be subject to the by-laws or rules, unless the mortgage or other security expressly stipulates that they shall form part of the contract or obligation entered into by the borrower. R.S.O., 1897, c. 205, s. 16 (2), (3). *Amended.*

Contract of loan to be by instrument setting out all the terms.

**26.**—(1) Where any loan or advance is made by a corporation the contract shall be evidenced by a written instrument within or on which all the terms and conditions of the contract shall be clearly set out; and unless so set out, no term of, or condition, stipulation, warranty, by-law, resolution, rule, or proviso varying or modifying the contract shall be valid or shall be admissible in evidence to the prejudice of the borrower; but nothing in this section shall prevent the application to the contract of the provisions of section 25 or of *The Mortgages Act;* or shall prevent the use in the contract of the short form authorized by *The Short Forms of Mortgages Act,* if such contract is expressed to be in pursuance of the last mentioned statute.

Proviso.

10 Edw. VII., c. 51.

10 Edw. VII., c. 55.

Contract not to be affected by subsequent by-laws, etc.

(2) As against the borrower, whether a shareholder or member or not, the contract shall not be in anywise altered, varied or affected by any by-law, resolution, or rule of the corporation subsequently passed or adopted.

Instrument to state particulars of payment required to discharge.

(3) The instrument shall fully and clearly state by the payment of what specific sum or sums, at a place and time or times stated, the loan or mortgage debt is to be discharged; and in case the loan or mortgage debt is dischargeable by instalments or periodical payments, shall further clearly set out the several amounts of such instalments or periodical payments, and the number thereof respectively required to discharge the loan or mortgage debt.

Borrower not liable to contribute for losses of corporation or make good impairment of its capital.

(4) No term or condition of the contract of loan, or of any contract or agreement collateral thereto, shall render the borrower liable to contribute for losses of the corporation or to make good any impairment of its capital.

Effect of non-compliance.

(5) Where the instrument does not comply with the requirements of this section the loan or mortgage debt shall be held to consist of the principal sum or sums actually received by the borrower, less any sum or sums repaid by, or standing to the credit of, the borrower, together with simple

interest

interest thereon calculated at the legal rate of interest on such sum or sums of principal for the actual time or times during which the borrower has had the use thereof.

Application of section.

(6) This section shall apply to every contract of loan made or renewed in Ontario after the first day of June 1904, by any corporation to any borrower on the security of any property, or made or renewed to any borrower elsewhere on the security of property situate in Ontario, and shall have effect as against the lender notwithstanding any stipulation or agreement to the contrary. (4 Edw. VII., c. 17, s. 3. *Amended.*)

POWER TO LEND ON AND PURCHASE AND SELL CERTAIN SECURITIES.

May lend on certain securities.

**27.**—(1) A registered loan corporation and a registered loaning land corporation may lend money on the security of, or purchase or invest in the following:—

Real estate and life insurance.

(*a*) Mortgages, charges, or hypothecs upon real estate in Ontario or in any other country to which the corporation is authorized to extend its business under the provisions of section 22, or mortgages or assignments of such life insurance policies as have at the date of the loan or investment an ascertained cash surrender value admitted by the insurer; 63 Vic., c. 27, s. 6 (1).

Government, municipal, school and company debentures and paid-up stock.

(*b*) Debentures, bonds, paid up stock and other securities, except bills of exchange and promissory notes, of or guaranteed by any government, or of any municipal corporation or school corporation or of any chartered bank or incorporated company, if such bank or company is incorporated by Canada, or by any Province of Canada, or by any former Province now forming part of Canada. (*See* R.S.C. c. 79, s. 198.)

Powers continued

(2) Subject always to the limitations imposed by section 32 any such corporation heretofore so authorized may, notwithstanding the provisions of subsection 1, invest in and lend upon real estate or securities other than those in that subsection mentioned. R.S.O. 1897, c. 205, s. 17 (1).

Personal security as collateral.

(3) Any such corporation may take personal security as collateral for any advance made or to be made or for any debt due to such corporation. R.S.O., 1897, c. 205, s. 17 (2), *part.*

(4)

Loans to other corporations with assent of two-thirds of shareholders

(4) Any such corporation may, with the assent of two-thirds of the shareholders present or represented by proxy at an annual or special general meeting, called with due notice of such proposal, lend upon the security of the debentures, bonds, obligations or paid-up stock of any corporation other than those corporations heretofore in this section mentioned, but the aggregate of all such lending shall not exceed at any one time twenty-five per cent. of the paid-in capital of the lending corporation, and where the borrower is a corporation, shall not exceed at any one time twenty-five per centum of the paid-in capital of the borrowing corporation. 3 Edw. VII., c. 16, s. 2, *part.*

May do acts necessary to such loans and may exercise remedies.

(5) The corporation may do all acts that are necessary for advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing due thereon, and the observance and fulfilment of any conditions annexed to the advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment. R.S.O., 1897, c. 205, s. 17 (2), *part.*

May hold certain estates and interests in land; and may dispose of same.

**28.**—(1) A registered corporation may hold real estate which, having been mortgaged or hypothecated to it, has been acquired by it for the protection of its investment, and real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of the same; and may sell or otherwise dispose of as it deems advisable any mortgage or security which it has lawfully acquired. R.S.O., 1897, c. 205, s. 17 (3).

To dispose of land within twelve years.

(2) The corporation, not being a loaning land corporation registered under this Act, shall, subject to the provisions of the next following section, sell any real estate acquired by it under any mortgage, charge or hypothecation, or in satisfaction of any debt within twelve years after it has been so acquired, otherwise it may be forfeited to His Majesty, for the use of Ontario; but no such forfeiture shall be enforced until the expiration of six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture. R.S.O., 1897, c. 205, s. 17 (5). *Amended.*

May purchase and sell certain securities.

May give discharges and execute all necessary instruments.

(3) The corporation may give receipts, acquittances and discharges, either absolutely and wholly, or partially, and may grant or take such deeds, assignments or other instruments as are necessary for carrying any such holding, purchase, exchange or re-sale into effect; and the grantee or

assignee

assignee in any such instrument shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities as the grantor or assignor would have been entitled to or would have been subject to if the grant or assignment had not been made. R.S.O., 1897, c. 205, s. 17 (4). Rights of grantee or assignee.

**29.** A registered corporation may hold absolutely to its own use and benefit such real estate as is necessary for the transaction of its business, or is acquired or held *bona fide* for building upon or improving for that purpose, and may sell, mortgage or dispose of the same. R.S.O., 1897, c. 205, s. 17 (5); 63 Vict., c. 27, s. 6 (2). *Amended.* Power to hold real estate.

**30.** A registered corporation, when so authorized by the Letters Patent or by the Lieutenant-Governor-in-Council, may acquire or may construct, on any lands so held, a building larger than is required for the transaction of its business, and may lease any part of such building not so required. *New.* Power to construct larger building and to lease part thereof.

**31.** A registered corporation may maintain a reserve fund out of its earnings or other income not required to meet its present liabilities. R.S.O., 1897, c. 205, s. 17 (6). May form reserve fund and invest same in foregoing securities.

**32.**—(1) A loan corporation and a loaning land corporation may pass a by-law prohibiting absolutely the loaning to shareholders upon the security of their shares, or (subject to the limitations contained in this section) may pass a by-law fixing the aggregate amount which may be loaned on such shares, and neither of such by-laws shall be repealed until all liabilities of the corporation are discharged. R.S.O., 1897, c. 205, s. 19 (2). Stock loans.

(2) Subject to subsection 1 the corporation may lend upon its own paid-up stock to an amount not exceeding at any one time in the aggregate of all such loans 10 per centum of the corporation's paid-up stock. Limitation as to loans on stock of corporation.

(3) No such loan shall exceed eighty per cent. of the market price of the stock. R.S.O., 1897, c. 205, s. 19 (2). Limit of amount of single loan.

**33.** A corporation shall not, except as provided by section 32, lend on its own shares with or without collateral security. R.S.O., 1897, c. 205, s. 19 (2), *part.* Not to lend on own stock.

INTEREST; PAYMENTS OF BLENDED INTEREST AND PRINCIPAL; LIMITATION OF MORTGAGOR'S LIABILITY FOR INTEREST.

Rate of interest

**34**. Subject to the provisions of the next following section, a registered corporation may stipulate for, take, reserve, and exact any rate of interest or discount that may lawfully be taken by individuals, and may also receive payment at any time on any loan or advance. R.S.O., 1897, c. 205, s. 20, *part*. [*See R.S.C., 1906, c. 120, s. 1.*]

No interest recoverable in certain cases unless the mortgage contains a certain statement.

**35**.—(1) Wherever any principal money or interest secured by mortgage of real estate is, by the same, made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan which involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement showing the amount of such principal money and the rate of interest chargeable thereon, calculated yearly or half-yearly, not in advance. R.S.O., 1897, c. 205, s. 21. [*See also R.S.C., 1906, c. 120, s. 6.*]

No rate recoverable beyond that shown in such statement.

(2) Wherever the rate of interest shown in such statement is less than the rate of interest which would be chargeable by virtue of any other provision, calculation or stipulation in the mortgage, no greater rate of interest shall be chargeable, payable or recoverable, on the principal money advanced, than the rate shown in such statement. R.S.O., 1897, c. 205, s. 22. [*See also R.S.C., 1906, c. 120, s. 7.*]

No fine allowed on payments in arrear which has the effect of increasing the rate of interest.

(3) No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrears of principal or interest secured by mortgage of real estate, which has the effect of increasing the charge on any such arrears beyond the rate of interest payable on principal money not in arrears; but nothing in this section shall have the effect of prohibiting a contract for the payment of interest on arrears of interest or principal at any rate not greater than the rate payable on principal money not in arrear. R.S.O., 1897, c. 205, s. 23. [*See also R.S.C., 1906, c. 120, s. 8.*]

Proviso: as to interest on arrears of interest.

Overcharge may be recovered back

(4) If any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the three subsections next preceding, such sum may be recovered back, or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal. R.S.O., 1897, c. 205, s. 24. [*See also R.S.C., 1906, c. 120, s 9.*]

(5) Wherever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then if at any time after the expiration of such five years, any person liable to pay or entitled to redeem the mortgage tenders or pays to the corporation entitled to receive the money the amount due for principal money and interest to the time of payment as calculated under the preceding subsections of this section, together with three months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage. R.S.O., 1897, c. 205, s. 25. [*See also R.S.C., 1906, c. 120, s. 10.*] No further interest payable after five years on certain conditions

**36.** Sections 14 and 15 of *The Mortgages Act* shall apply to all mortgages to loan corporations. 4 Edw. VII., c. 17, s. 2. 10 Edw. VII., c. 51, ss. 14, 15, apply to mortgages made to loan corporations.

BORROWING POWERS.

**37.**—(1) Any corporation may, with the assent of the Lieutenant-Governor in Council evidenced by Letters Patent elect to renounce its existing borrowing powers and to accept those conferred by this Act. Renouncing borrowing powers.

(2) Such alteration of borrowing powers shall not prejudice or affect any existing rights of creditors or any obligations entered into by such corporation prior to such assent. R.S.O., 1897, c. 205, s. 26, *part.* Alteration of borrowing powers not to affect creditors.

**38.** Sections 39 to 49 shall apply to corporations incorporated under the law of Ontario or having their head offices in Ontario other than trust companies, and also to all loan corporations borrowing in Ontario by taking deposits or issuing debentures, debenture stock or like obligations, and to all loaning land corporations so borrowing by issuing debentures, debenture stock or like obligations. R.S.O., 1897, c. 205, s. 27. Application of secs. 39 to 49.

**39.**—(1) No corporation constituted with joint stock capital, unless and until it has a subscribed permanent stock of at least $300,000 on which at least $100,000 has been actually paid in and is unimpaired, and no corporation constituted without joint stock capital, unless and until it has a paid up, unimpaired, permanent and non-withdrawable capital of at least $100,000 shall exercise any of the borrowing powers conferred by this Act. Amount of capital to be subscribed and paid before borrowing.

(2) Where a registered corporation constituted with joint stock capital has subscribed permanent stock of at least $300,000, on which at least $100,000 has been actually paid in and is unimpaired, or where a registered corporation constituted Borrowing powers

incorporated without joint stock capital has a paid up, unimpaired, permanent and non-withdrawable capital of at least $100,000, subject to the limitations and restrictions contained in this Act, the directors, pursuant to powers conferred in that behalf by any by-laws or rules of the corporation passed at any general meeting, called with due notice of such proposed by-laws and rules, may borrow money on behalf of the corporation at such rates of interest, and upon such terms as they from time to time think proper; and may for that purpose, subject as hereinafter provided, receive money on loan or on deposit, other than and in addition to money received in respect of stock and shares of the corporation, and issue debenture stock and terminable debentures, bonds and other obligations, as well as execute mortgages under the seal of the corporation, for sums of not less than $100 each; or may assign, transfer or deposit by way of equitable mortgage or otherwise, for the sum so borrowed, any of the documents of title, deeds, muniments, securities or property of the corporation, and either with or without power of sale or other special provisions, as they deem expedient. R.S.O., 1897, c. 205, s. 28 (2).

BORROWING BY WAY OF DEPOSITS, DEBENTURES, OR GUARANTEE.

Receiving money on deposit.

**40.**—(1) A loan corporation shall not, without the express consent of the shareholders given at a general meeting called with due notice of the proposal, receive money on deposit, otherwise than in respect of shares or stock of the corporation; and when money is otherwise received on deposit, the same shall, for the purposes of this Act, be deemed to be money borrowed by the corporation; and with interest thereon as agreed, shall be repayable by the corporation either at a time certain, or upon notice, not being less than thirty days, unless notice, or such notice, is waived.

When not to receive deposits.

(2) A corporation which is authorized to carry on any other business than that of lending money shall not be entitled to receive deposits; but this shall not apply to a loaning land corporation which was authorized to receive deposits by Letters Patent issued under any former Act and which is now exercising this power.

Ranking of creditors on deposits.

(3) In respect of deposits, creditors shall rank upon the assets of the corporation *pari passu* with the holders of debentures and debenture stock. R.S.O., 1897, c. 205, s. 29 (1); 63 Vic., c. 27, s 7 (1).

(4)

Limit of deposits.

(4) The amount to be received by any corporation entitled as hereinbefore provided to receive deposits, shall not at any time exceed the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation and of its cash actually in hand or in any chartered bank to the credit of the corporation, and beneficially owned by the corporation and not included in either the permanent capital or reserve fund.

Dividends, etc., not to be paid out of reserve.

(5) No dividend or bonus shall be paid or declared either wholly or in part out of the reserve fund, which has the effect of diminishing such aggregate below the amount required by this Act for the borrowings of the corporation. 3 Edw. VII., c. 16, s. 3 (1).

Amount and form of debentures.

**41.**—(1) Debentures shall be for such sums, not being less than $100, and in such currency as the directors deem advisable, and shall be payable not less than one year, nor more than ten years, from the issue thereof at such place as may be therein mentioned. R.S.O., 1897, c. 205, s. 30 (1).

Where corporation borrows on securities but not on deposits.

(2) If the corporation borrows money solely on debentures or other securities and not by way of deposit under section 40, the aggregate amount of the sums so borrowed shall not, at any time exceed four times the amount of its paid in and unimpaired capital, or at the option of the corporation the amount of its subscribed, fixed and permanent capital, upon which not less than twenty per centum has been paid. R.S.O., 1897, c. 205, s. 30 (2); 3 Edw. VII., c. 16, s. 3 (2).

Enlarged borrowing powers not to prejudice certain debenture holders.

(3) In the event of a corporation incorporated before the 4th day of May, 1891, availing itself of the provisions of this Act, or having availed itself of the provisions of any Act of Ontario passed after the 3rd day of May, 1891, to enlarge its powers of borrowing money by debentures, nothing herein shall affect or impair the rights of the holders of debentures issued by such corporation. R.S.O., 1897, c. 205, s. 30 (3).

Where corporation borrows both on securities and on deposits.

(4) If a loan corporation borrows money both by way of debentures or other securities, and also by way of deposit, such corporation shall, in respect of deposits received, comply with section 40, and the aggregate amount of its total borrowings shall not at any time exceed the amount of the principal moneys remaining unpaid on securities then held by the corporation, or, in the alternative, shall not exceed the amount of the reserve fund of the corporation and

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four times the amount of its then actually paid-in and unimpaired permanent capital; but in calculating such aggregate for the purposes of this subsection the amount of cash beneficially owned by the corporation then either actually in the hands of the corporation, or deposited by it in any chartered bank, shall be deducted.

[*Section 31, repealed by 10 Edw. VII., c. 26, s. 17.*]

Deduction to be made in estimating the paid in capital.

**42**. In ascertaining the extent of the borrowing powers of a corporation, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the paid in capital. (*See* R.S.O., 1897, c. 205, s. 32; 3 Edw. VII., c. 16, s. 3 (2).)

BORROWING BY DEBENTURE STOCK.

Issuing debenture stock.

**43**. The directors of a registered corporation to which subsection 2 of section 39 applies, may, from time to time with the consent of a majority of the shareholders, present in person or represented by proxy, at a general meeting called with due notice of the proposal, issue debenture stock, which shall be treated and considered as a part of the debenture debt, authorized by section 41, in such amounts and manner, on such terms, and bearing such rate of interest, and in such currency as the directors from time to time think proper, but so that the amount received as money deposits and borrowed on the security of debentures, mortgages, bonds, or other instruments or debenture stock, shall not in the whole exceed the aggregate amount fixed by sections 40, 41, and 42, as the limit of the borrowing powers of the corporation. R.S.O., 1897, c. 205, s. 33.

Rights of holders of debenture stock.

**44**. The holders of debenture stock shall not in respect thereof have any of the rights of shareholders, but, subject to sections 40 and 45, shall be entitled to the rights and powers of mortgagees of the undertaking to the extent provided in the by-laws of the corporation authorizing such debenture stock, but without the right to require repayment of the principal money paid in respect thereof. R.S.O., 1897, c. 205, s. 34.

Debenture stock how ranked.

**45**.—(1) Debenture stock shall rank equally with debentures issued, or to be issued, by the corporation, and the holders thereof shall not be liable or answerable for any debts or liabilities of the corporation.

Ranking of debenture stockholders in respect of interest.

(2) In case of a liquidation of the corporation, or other distribution of its assets, a holder of debenture stock shall, for arrears of interest, if any, and for the then present or

capitalized

capitalized value of the future interest annually payable rank *pari passu* with depositors and debenture holders. R.S.O., 1897, c. 205, s. 35.

Register of debenture stock.

**46.** The corporation shall cause entries of the debenture stock from time to time created to be made in a register, to be known as the Debenture Stock Register, which, in the case of a corporation having its head office in Ontario, shall be kept for that purpose at the head office, wherein shall be entered the names and addresses of the several persons and corporations from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall, during reasonable business hours of every day, except holidays, be accessible for inspection and perusal by himself or his agent to every debenture holder, mortgagee, bondholder, debenture-stockholder and shareholder of the corporation, without the payment of any fee or charge. R.S.O., 1897, c. 205, s. 36.

Transfer of debenture stock.

**47.**—(1) Debenture stock shall be transferable in such amounts and in such manner as the directors may determine.

Registry of transfer.

(2) All transfers thereof shall be registered at the head office.

Transfer books out of Ontario.

(3) The corporation may have transfer books for the purposes of such debenture stock, at such place or places in Canada, in Great Britain and Ireland, or any foreign country in which transfers of the stock may be made; but all such transfers shall be entered in the book to be kept at the head office. R.S.O., 1897, c. 205, s. 37.

Certificates of debenture stock.

**48.** The corporation shall deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him, the rate of interest payable thereon and the terms and conditions to which the stock is subject; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the corporation shall apply, *mutatis mutandis,* to certificates of debenture stock. R.S.O., 1897, c. 205, s. 38.

Exchange of debentures for, and redemption of debenture stock.

**49.** The holders of debentures of the corporation may, with the consent of the directors, at any time exchange such debentures for debenture stock; and the corporation may from time to time purchase in the open market and, with the consent of the holders thereof, redeem any part of the debenture stock representing money which the directors, by resolution, determine not to be required for the business of the corporation. R.S.O., 1897, c. 205, s. 39.

AMALGAMATION OF COMPANIES, AND PURCHASE AND SALE OF ASSETS.

Power to unite with other corporations and to purchase or sell assets.

**50.** A corporation to which subsection 2 of section 39 applies may, as hereinafter prescribed, unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other registered corporation, or may sell its assets to any such corporation, which is hereby authorized to purchase the same, or may purchase the assets of any such corporation, which is hereby authorized to sell the same, and for the purpose of carrying out such purchase or sale the corporation purchasing shall assume the liabilities of the corporation selling, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale, purchase or acquisition. R.S.O., 1897, c. 205, s. 40.

Directors may make agreement for amalgamation or for purchase or sale of assets.

**51.**—(1) The directors of a corporation to which subsection 2 of section 39 applies, and of any other corporation mentioned in section 50, may enter provisionally into a joint agreement under the corporate seal of each of the corporations for the union, merger, amalgamation or consolidation of such corporations, or for the sale or purchase by the one corporation of the assets of the other corporation.

Agreement, what to contain.

(2) The agreement shall prescribe the terms and conditions of the proposed transaction, and the mode of carrying the same into effect.

Matters to be specified in agreement.

(3) If the two corporations are to be merged into one corporation, the agreement shall specify the name of the new, or of the continuing corporation, and the number of directors and other officers thereof, and shall state who shall be the first directors and officers, the capital stock, the number of shares into which such stock is divided, the par value of the shares and the manner of converting the capital stock of each of the existing corporations into that of the new or continuing corporation.

Other details.

(4) The agreement shall contain such other details as the directors of the several corporations deem necessary to perfect the new organization, and the union, merger, amalgamation and consolidation, and the after management and working thereof, or to complete the terms and mode of payment for the assets of one corporation sold, purchased or acquired by the other.

(5)

Considera tion.

(5) In any agreement for the purchase and sale of assets, the consideration may consist wholly or in part of partly paid or of paid-up shares of the permanent capital stock of the purchasing corporation. R.S.O., 1897, c. 205, s. 41 (1); 3 Edw. VII., c. 16, s. 4 (1); 6 Edw. VII., c. 19, s. 29 (1).

Agreement to be subject to approval of share-holders.

(6) Such agreement, or if no agreement has been entered into, but an offer has been made by a corporation under its corporate seal for the purchase of the assets of another corporation, such offer shall be submitted to the shareholders of each corporation at a meeting thereof, to be held separately for the purpose of taking the agreement or the offer into consideration.

Notice of meeting to consider agreement.

(7) Notice of the time and place of the meeting of the corporation in which he holds shares and the objects thereof shall be given by written or printed notice addressed to every shareholder, together with a copy of the proposed agreement, at his last known post office address or place of residence, and also by a general notice in a newspaper published at the chief place of business of the corporation once a week for six successive weeks.

Notice to registrar.

(8) The like notice, together with two copies of the proposed agreement, shall be delivered to the Registrar at least one month before the date of either of the meetings of shareholders called to consider it. R.S.O., 1897, c. 205, s. 41. *Amended.*

Proceedings to ratify agreement.

**52.** At each of the meetings of shareholders the agreement or offer shall be considered, and a vote by ballot taken for the ratification or acceptance, or for the rejection of the same, each share entitling the holder thereof to one vote and the ballots being cast in person or by proxy, and if two-thirds of the votes of all the shareholders of each corporation, representing not less than two-thirds in value of its paid in capital or stock, are for the ratification of the agreement or the acceptance of such offer, that fact shall be certified upon the agreement or offer by the secretary or manager under the corporate seal. R.S.O., 1897, c. 205, s. 42. *Amended.*

Who may vote

**53.** The shareholders who may vote at any such meeting shall be those only whose names are duly entered in the books of the corporation at the date of the first publication of the notice calling the meeting, and they shall vote only upon the shares then standing in their respective names. R.S.O., 1897, c. 205, s. 43.

Dispensing with ratification

**54.** The Lieutenant-Governor in Council, in the case of a proposed purchase of assets, may dispense with the ratification or acceptance of the agreement or offer by the shareholders of the purchasing corporation where it is shown to his satisfaction that such shareholders, after due notice thereof, have ratified a general resolution or by-law authorizing the purchase of the assets of any loan corporation upon the basis and within the limits specified in such agreement or offer. 3 Edw. VII., c. 16, s. 4 (3).

Ratified agreement to be filed with Registrar for assent

**55.**—(1) If the agreement is ratified or the offer is accepted at the meeting of the shareholders of each of the corporations, or in the case provided for in the next preceding section at the meeting of the shareholders of the selling corporation, the agreement or offer, with the certificates or certificate thereon, shall be filed with the Registrar.

Agreement to be submitted to Lieutenant-Governor in Council.

(2) The Registrar shall submit such agreement or offer for the assent of the Lieutenant-Governor in Council.

Assent of Lieutenant Governor in Council.

(3) After the assent of the Lieutenant-Governor in Council thereto, the agreement or offer shall be deemed to be the agreement and act of union, amalgamation and consolidation of the corporations, or the agreement and deed of purchase and acquisition of the assets of the selling corporation by the purchasing corporation. R.S.O., 1897, c. 205, s. 44.

Certificate of assent by Minister

**56.**—(1) Upon proof that the foregoing requirements have been duly complied with, the Minister shall issue a certificate under his hand and seal certifying the assent of the Lieutenant-Governor in Council, and the date thereof; and declaring the purchase and the sale of the assets and the names of the corporations parties thereto, or, in the case of amalgamation, declaring the amalgamation of the corporations, naming them, and the name of the new or of the continuing corporation, together with such other matters, if any, as may appear to him necessary or desirable in the public interest.

Certificate of Minister, effect of

(2) The certificate of the Minister shall for all purposes and in all courts be conclusive evidence of all matters therein certified or declared.

Public notice to be given of certificate.

(3) The Registrar shall give public notice in the *Ontario Gazette* of the issue of the Minister's certificate. R.S.O., 1897, c. 205, s. 45.

(4)

Registration of certificate of assent to amalgamation, etc.

(4) It shall be sufficient to register a certified copy of the Minister's certificate once for all in each Registry Division or Land Titles Office, in which instruments affecting lands or interests in lands, included or intended to be included in the transfer or amalgamation, are registered.

Fee payable for registration.

(5) The fee payable for the registration thereof shall be one dollar if the certificate is five folios or under, and for each folio above five ten cents additional.

Certificate of Registrar, registration of.

(6) Any document under the hand, or purporting to be under the hand, of the Registrar, certifying such document to be or to contain a true copy of the Minister's certificate or of any instrument referred to in such certificate, shall be registered by the Registrar of Deeds of any Registry Division, or by the Master or Local Master of Titles upon the same being tendered to him for registration accompanied by the proper fee.

Registration in general register.

(7) The certificate shall be entered in the General Register of the Registry Division or in the book kept in the Land Titles Office.

Certified copies of certificate as evidence before Master of Titles. 1 Geo. V., c. 28.

(8) Copies so certified of any such certificate or instrument shall be received by the Master of Titles and Local Masters of Titles, under the provisions of *The Land Titles Act*, as conclusive evidence of all matters therein certified or declared.

As to Bills of Sale and Chattel Mortgages. 10 Edw. VII. c. 65.

(9) For the purpose of any instrument required to be registered or filed under *The Bills of Sale and Chattel Mortgage Act*, it shall be sufficient in order to show the transmission of title in respect of any personal property or interest in personal property included, or intended to be included, in a transfer or amalgamation, such as is mentioned in section 55 and this section, if the instrument affecting such property or interest recites the certificate registered as provided in subsection 4 of this section, and states the registry division in which the same is registered and its registration number.

Application of section.

(10) This section shall extend to and include any such certificate or certified copy issued or purporting to have been issued under *The Loan Corporations Act* since the thirteenth day of April, 1897. 63 V. c. 27, s. 8.

Assent of the Lieutenant-Governor in Council may be shown by Registrar's Certificate.

**57**. The Registrar may, by a certificate under his hand and seal, indorsed upon or identifying the agreement or offer mentioned in subsection 6 of section 56, or any counterpart or copy thereof, certify that such agreement or offer has been

been assented to by the Lieutenant-Governor in Council, and his certificate with a copy of the Order in Council attached shall be *prima facie* evidence of such assent. R.S.O., 1897, c. 205, s. 47.

Assets of selling corporation to vest in purchasing corporation.

**58.**—(1) In the case of a purchase and sale of assets so assented to, the assets of the selling corporation shall become absolutely vested in the purchasing corporation on and from the date of such assent without any further conveyance and the purchasing corporation shall thereupon become and be responsible for the liabilities of the selling corporation.

Disposal of assets by purchasing corporation.

(2) In dealing with the assets of the selling corporation it shall be sufficient for the purchasing corporation to recite the agreement and the assent of the Lieutenant-Governor in Council thereto, with the date of such assent.

Rights of creditors.

(3) No such transfer shall affect the rights of any creditor of the transferring corporation.

Privity of contract between purchasing corporation and each creditor of selling corporation.

(4) By every such agreement made or purporting to be made under this Act the purchasing corporation shall be deemed to covenant and agree with each creditor of the selling corporation that the purchasing corporation will pay to him the sum in which the selling corporation is indebted to him at such time and place as such sum would have been payable had such agreement not been made. R.S.O., 1897, c. 205, s. 48; 6 Edw. VII., c. 19, s. 29 (2).

Dissolution of selling corporations and of corporations amalgamated.

(5) Where the Lieutenant-Governor in Council assents to an agreement for the sale of the assets of a corporation, or to an agreement for the amalgamation of two or more corporations, the selling corporation, or the several corporations amalgamated, as the case may be, shall, from the date of such assent, be dissolved except so far as is necessary to give full effect to the agreement. 6 Edw. VII. c. 19, s. 29 (3).

Property and rights of both companies vested in new corporation.

**59.**—(1) In the case of an amalgamation, the corporations parties thereto shall, from the date of the assent of the Lieutenant-Governor in Council, be consolidated and amalgamated, and be merged in and form one corporation by the name stated in the Minister's certificate, and shall, subject to the law of Ontario, possess all the rights, privileges and franchises of each of the amalgamated corporations.

Business and property vested in new corporation.

(2) From the date of the assent all the business property, real and personal, and all rights and incidents appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due on whatsoever account, and other

other things in action belonging to each of such corporations, shall be vested in the new or continuing corporation without further act or deed.

(3) All rights of creditors and liens upon the property of each of the corporations shall be unimpaired by the amalgamation. Creditors rights.

(4) All debts, liabilities and duties of each of the amalgamated corporations shall thenceforth attach to the new or continuing corporation, and may be enforced against it to the same extent as if the same had been incurred or contracted by it. R.S.O., 1897, c. 205, s. 49 *amended.* Debts and liabilities

**60.**—(1) In this section "Fiduciary" shall include trustee, executor, administrator, assignee, guardian, committee, receiver, liquidator or agent; and "Instrument" shall include every will, codicil, or other testamentary document, settlement, instrument of creation, deed, mortgage, assignment, Act of the Legislature, and a judgment, decree, order, direction and appointment of any court, judge, or other constituted authority. "Fiduciary." "Instrument."

(2) Sections 50 to 59 shall apply to the purchase and sale of the assets of a trust company by and to another and to the amalgamation of trust companies, such corporations being incorporated under the law of Ontario or having their head offices in Ontario, and registered under this Act. Sections 50 to 59 to apply to trust corporations.

(3) On and from the assent of the Lieutenant-Governor in Council, as provided in subsection 1 of section 56, to the purchase and sale, or to the amalgamation, all trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon either of the corporations, parties to the purchase and sale, or to the amalgamation, shall be vested in and bind and may be enforced against the purchasing or new or continuing corporation as fully and effectually as if it had been originally named as the fiduciary in the instrument. Trusts to pass to new corporations.

(4) Whenever in any instrument any estate, money or other property, or any interest, possibility or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of the selling corporation or of either of the amalgamated corporations as the fiduciary, the name of the new or continuing corporation shall be deemed to be substituted for the name of the old corporation; and such instrument shall vest the subject-matter therein described in the new or continuing corporation according to Subject matter of trust to vest in new corporation.

the

the tenor of, and at the time indicated or intended by the instrument, and the new or continuing corporation shall be deemed to stand in the place and stead of the old corporation.

Case of will or codicil not probated

(5) Where the name of the selling corporation or of either of the amalgamated corporations appears as executor, trustee, guardian, or curator, in a will or codicil, such will or codicil shall be read, construed and enforced as if the new or continuing corporation was so named therein; and it shall, in respect of such will or codicil, have the same status and rights as the selling or amalgamating corporation.

Duties of old corporation not completed

(6) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem* heretofore issued or made by any Court of Ontario to the selling corporation or to either of the amalgamated corporations, from which at the date of such assent it had not been finally discharged, the new or continuing corporation shall *ipso facto* be substituted therefor. 3 Edw. VII. c. 16, s. 5. *Amended.*

SHAREHOLDERS; EXECUTION OF TRUSTS.

Shares may be held by corporate bodies.

**61**. Corporate bodies and co-partners may hold shares in any registered corporation. R.S.O., 1897, c. 205, s. 50 *Part.*

Certain minors may make deposits.

**62**. A person not of the full age of twenty-one years but of the age of fifteen years or upwards, may deposit money with a registered loan corporation in his own name, and the same may be repaid to him, and he may give a valid discharge therefor, notwithstanding his minority. R.S.O., 1897 c. 205, ss. 51, 52. *Amended.*

Corporation not bound to see to execution of trusts or application of moneys paid on receipt, etc.

**63**.—(1) A corporation shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its stock, or any deposit, debenture, or debenture stock, may be subject.

Receipts of person in whose name shares of moneys stand.

(2) The receipt of the person in whose name any such share, deposit, debenture or debenture stock stands in the books of the corporation shall be a sufficient discharge to the corporation for any payment made in respect thereof, notwithstanding any trust to which the same may then be subject and whether the corporation has or has not had notice of such trust.

Corporation not bound to see to application of moneys paid.

(3) A corporation shall not be bound to see to the application of the money paid upon such receipt. R.S.O., 1897, c. 205, s. 53 (1). *Amended.*

(4)

(4) No person holding shares in the corporation as executor, administrator, guardian, committee of a lunatic, or trustee of or for any estate, trust or person named in the books of the corporation as being so represented by him, shall be personally subject to any liability as a shareholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be, if living, and competent to hold the shares in his own name. Representatives, guardians, or trustees not to be personally liable

(5) If the trust is for a living person, not under disability, such person also shall be liable as a shareholder. Liability of *cestui que trust.*

(6) If such testator, intestate, ward, lunatic or person so represented is not named in the books of the corporation, the executor, administrator, guardian, committee or trustee shall be personally liable in respect of such shares as if he held them in his own name as owner thereof. R.S.O., 1897, c. 205, s. 53 (2). Exception.

EXECUTION CREDITORS; NOMINATION BY INVESTOR OR DEPOSITOR; INTESTACY; MISTAKEN PAYMENTS; TRANSMISSION OF INTEREST; CASE WHERE RIGHTS ARE IN DOUBT.

**64.**—(1) Any surplus not exceeding $300, over and above the amount due to the corporation, including costs, derived from the sale under power of sale of any property mortgaged to the corporation, where the mortgagor or his assigns has or have died intestate, shall be personal property, whether the sale took place before or after the death of the mortgagor or person entitled to the equity of redemption. R.S.O., 1897, c. 205, s. 60. Disposition of proceeds of sale under mortgages.

(2) Where the surplus exceeds $300, nothing in this section shall prejudice any right or lien of an execution creditor in respect of such excess. R.S.O., 1897, c. 205, s. 61. Rights of execution creditors.

**65.** To the extent of $300, the amount standing to the credit of any depositor in a registered corporation shall not, while in the hands of the corporation or while in course of transmission from the corporation, be liable to demand, seizure or detention under legal process as against the depositor or his nominee, assignee, or representative, or as against any person to whom the corporation is by the two next following sections authorized to pay said sum. R.S.O., 1897, c. 205, s. 61. *Part.* Exemption.

**66.**

Depositors in loan corporation may nominate a successor.

**66.**—(1) A depositor with a loan corporation having on deposit a sum not exceeding $300, may, from time to time, by a writing signed by him and deposited with the corporation, nominate any person to receive the money at his death.

Substitution of nominee on death of nominator.

(2) Upon receiving an affidavit of the death of the depositor, the directors may substitute on the books of the corporation the name of the nominee in the place of the depositor, or may immediately pay to the nominee the amount due to the deceased. R.S.O., 1897, c. 205, s. 54. *Amended.*

Disposition of funds of intestate members.

**67.** If a depositor with a loan corporation, having on deposit a sum not exceeding $300, dies intestate and without making such nomination, the amount due may, without letters of administration being taken out, be paid to the person who appears to the directors to be entitled under *The Devolution of Estates Act* to receive the same, upon receiving an affidavit of the death and intestacy, and that the person claiming is so entitled. R.S.O., 1897, c. 205, s. 55. *Amended.*

10 Edw. VII., c. 56.

Mistaken payments by the corporation when valid.

**68.** Where the directors, after the death of a depositor, have paid such sum to the person who at the time appeared to be entitled to the same under the belief that the depositor died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand from any other person as next of kin or as the lawful representative of the deceased, against the corporation; but the next of kin or representative shall be entitled to recover the amount of such payment from the person who received the same. R.S.O., 1897, c. 205, s. 56.

STATUTORY MEETING.

Statutory meetings.

**69.**—(1) Every corporation shall, within a period of not less than one month nor more than three months from the date at which the corporation is entitled to commence business, hold a general meeting of its shareholders, which shall be called the statutory meeting.

Report to be sent to shareholders.

(2) The directors shall, at least ten days before the day on which the meeting is to be held, forward to every shareholder of the corporation a report certified by not less than two directors of the corporation, stating:

Shares allotted.

(*a*) The total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of

shares

shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(*b*) The total amount of cash received by the corporation in respect of such shares, distinguished as aforesaid; Cash received.

(*c*) An abstract of the receipts and payments of the corporation on capital account to the date of the report, and an account or estimate of the preliminary expenses of the corporation; Abstract of receipts, etc.

(*d*) The names, addresses and descriptions of the directors, auditors, if any, manager, if any, and secretary of the corporation; and Names, etc. of directors, etc.

(*e*) The particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification. Particulars of contracts.

(3) The report, so far as it relates to the shares allotted by the corporation, and to the cash received in respect of such shares, and to the receipts and payments of the corporation on capital account, shall be certified as correct by the auditors, if any, of the corporation. Report to be certified by auditors.

(4) The directors shall cause a copy of the report, certified as by this section required, to be filed with the Registrar forthwith after the sending thereof to the shareholders of the corporation. Report to be filed with Registrar.

(5) The directors shall cause a list showing the names, descriptions and addresses of the shareholders, and the number of shares held by them, respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder of the corporation during the continuance of the meeting. Lists of shareholders to be produced at meeting.

(6) The shareholders present at the meeting shall be at liberty to discuss any matter relating to the formation of the corporation, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been duly given may be passed. Shareholders may discuss business of company at meeting.

(7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting. Adjournments.

(8)

Application to Court if default made in holding meeting

(8) If default is made in filing such report or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the Court for the winding up of the corporation, and the Court may either direct that the corporation be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by any persons who, in the opinion of the Court, are responsible for the default. *New.* (*See 7 Edw. VII., c. 34, s. 111.*)

GENERAL MEETINGS OF SHAREHOLDERS.

Annual general meeting

**70.**—(1) A general meeting of the shareholders shall be held at least once in each year for the purpose of considering the financial statement of the corporation, and the election of directors and auditors, and the transaction of such other business as is proper at such regular general meeting under the law of Ontario and the by-laws of the corporation. R.S.O., 1897, c. 205, s. 62 (1).

Notice of annual meeting

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered, or shall be sent by post to the address of each shareholder, so far as the same is known, or, on request, to his proxy residing in North America, or the United Kingdom; and such notice of the meeting shall be so delivered or sent at least fifteen days previously to the time fixed for holding such meeting, and a copy of the annual statement of the directors shall accompany the notice. R.S.O., 1897, c. 205, s. 62 (2).

Special general meetings may be had by resolution of directors:

**71.**—(1) The directors shall have the right at any time by resolution of the board passed in that behalf, to call a special general meeting of the shareholders for the transaction of any business specified in such resolution. R.S.O., 1897, c. 205, s. 63 (1).

or on requisition of shareholders.

(2) One-fourth part in value of the shareholders of the corporation shall by requisition delivered to the manager, acting manager, or secretary thereof, have at all times the right to have a special general meeting called by such officer for the transaction of any business specified in such requisition. R.S.O., 1897, c. 205, s. 63 (2).

Notice required for special general meeting

(3) Notice of the holding of every special general meeting of the shareholders, specifying the time and place of the meeting and the business to be transacted thereat, shall be

delivered

delivered, or shall be sent by registered post, to the address of each shareholder, so far as the same is known, at least ten days before the day appointed for the meeting. R.S.O., 1897. c. 205, s. 63 (3).

Other business not to be transacted except by unanimous consent.

(4) No other business shall be transacted at any such meeting unless all the shareholders are present in person or by proxy and unanimously consent thereto. *New.*

Proof of notice.

(5) Before the business of any special general meeting is proceeded with there shall be produced and read a statutory declaration of the manager, acting manager or secretary of the corporation that the requirements of this section as to notice have been fully complied with.

Minutes.

(6) A copy of the notice so delivered or sent, and of such declaration in relation thereto, shall be entered in the minute book of the corporation as part of the proceedings of the meeting. R.S.O., 1897, c. 205, s. 63 (4).

Penalty.

**72**. Any director or officer of any Provincial corporation wilfully neglecting or omitting to give effect to the requisition mentioned in section 71, or to give the notice of any general meeting required by sections 70 or 71, shall be guilty of an offence. R.S.O., 1897, c. 205, s. 64.

Voting power of shareholders.

**73**. At all meetings of shareholders of the corporation a shareholder shall have one vote for each share held by him upon which he is not six months in arrear. R.S.O., 1897, c. 205, s. 65, *part.*

Proxies.

**74**. A shareholder may either vote in person or be represented and vote by a proxy, who is a shareholder of the corporation and not six months in arrear. R.S.O., 1897, c. 205, s. 65, *part.*

Minute book of corporation.

**75**. The transactions of all general meetings of the corporation, and of all meetings of the board of directors shall be entered in a book to be known as the Minute Book of the corporation. R.S.O., 1897, c. 205, s. 76. *Part.*

BY-LAWS.

Shareholders may make by-laws.

**76.** A meeting of the shareholders, called with due notice thereof, may make such lawful and proper by-laws for the government of the corporation, not repugnant to the provisions of this Act, or any other law in force in Ontario, as the majority of the shareholders present in person or by proxy deem meet. R.S.O., 1897, c. 205, s. 67. *Amended.*

To be sealed.

Evidence thereof.

**77.** Every by-law shall be reduced to writing, and shall have affixed thereto the common seal of the corporation, and shall be receivable in evidence without proof of the seal or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof. (See R.S.O., 1897, c. 205, s. 68, and *The Evidence Act,* 9 Edw. VII., c. 43, s. 26.)

By-laws to be recorded in a book, which is to be accessible.

**78.**—(1) The by-laws shall be forthwith recorded in a book to be kept by the corporation for that purpose, and to be known as the "By-Law Book."

Right to inspect by-law book.

(2) Such book shall, without the payment of any fee or charge, during reasonable business hours of every day, except holidays, be open for the inspection of any shareholder depositor, debenture holder, or debenture-stockholder by himself or his agent, and every such person may make extracts therefrom. R.S.O., 1897, c. 205, s. 69. *Amended.*

Copy of by-laws, etc., to be filed with Registrar.

**79.** Every corporation shall deliver to the Registrar within one month after the passing thereof a certified copy of its by-laws and of every repeal, or addition to, or amendment or consolidation thereof. R.S.O., 1897, c. 205, s. 72; 62 V. (2), c. 22, s. 1.

Return of evidence as to By-laws.

**80.**—(1) Every corporation doing business in Ontario, if required so to do by the Registrar, shall furnish satisfactory evidence that any by-law has been duly passed, and is a legal and valid by-law according to the Act or instrument incorporating the company and also that the by-law conforms to the law of Ontario.

Refusal to furnish evidence.

(2) A corporation refusing, or failing to furnish such evidence promptly, shall be liable to have its registry suspended or cancelled. 62 Vic. (2), c. 22, s. 2.

Shareholders may delegate to directors power to make or amend by-laws.

**81.**—(1) The shareholders in general meeting may by by-law of which as proposed notice shall be given to each shareholder with the notice of such meeting, empower the directors to make, amend and repeal by-laws for the corporation. R.S.O., 1897, c. 205, s. 75. *Part amended.*

Duration.

(2) Every such by-law of the directors and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the corporation duly called for that purpose, shall have force only until the next annual meeting of the corporation; and in default of confirmation thereat shall, at and from that time, cease to have force; and in that case no new by-law to the same or the like effect or re-enactment thereof, shall have any force until confirmed at a general meeting.

Confirmation of by-laws.

By-laws may be varied.

(3) The corporation may either at a general meeting duly called for that purpose, or at the annual meeting repeal, amend, vary or otherwise deal with any by-law passed by the directors; but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation, or other dealing. (See R.S.O., 1897, c. 205, s. 75. *Part; Ib. ss. 76, 77; 7 Edw. VII., c. 34, s. 87. Part.*)

Alteration at general meeting.

**82.** At such general meeting the shareholders may, by a like vote, alter or amend such by-laws, and may confirm the same as so altered and amended. R.S.O. 1897, c. 205, s. 78.

BOARD OF DIRECTORS, ITS CONSTITUTION AND POWERS.

Number, powers and duties of directors; and their term of office.

**83.**—(1) The term of office of the directors shall not exceed two years.

Where term of office is for one year.

(2) Where the term of office is one year only the number of directors shall not be less than five.

Where term of office is for two years.

(3) Where the term of office is two years the number of directors shall be an even number not less than six, and one-half of the directors shall retire annually at the general meeting in rotation, but shall, if otherwise qualified, be eligible for re-election. R.S.O., 1897, c. 205, s. 79; 63 Vic., c. 27, s. 9.

Retirement by lot.

(4) Where the term of office is two years, the first elected directors shall at their first meeting determine by lot which of them shall retire at the end of the first year. *New.*

Ballot

**84.**—(1) The election of directors shall be by ballot.

Qualification of directors.

(2) No person shall be qualified to be a director unless he is of the full age of twenty-one years and is a shareholder holding, in his own right, shares or stock of the corporation, on which at least $1,000 has been paid in, and is not in arrear in respect of any call thereon. R.S.O., 1897, c. 205, s. 80. *Amended.*

Majority to be residents and British subjects.

(3) The majority of the directors shall at all times be resident in Ontario and subjects of His Majesty by birth or naturalization. *New.*

Not to apply to next election of directors.

(4) Where at the time of the coming into force of this Act, less than a majority of the directors are resident in Ontario and subjects of His Majesty by birth or naturalization, the provisions of subsection 3, shall not apply to such corporation until the time fixed for the next general annual meeting. *New.*

New election to fill directorships in such case.

(5) Where at an election more than the prescribed number of non-residents and aliens are elected, a new election shall forthwith be held to fill all the directorships to which aliens or non-residents have been elected, and so on until the number of non-residents or aliens is reduced to the prescribed number. *New.*

Remuneration.

(6) The remuneration of directors shall be fixed by the shareholders in general meeting. (*See R.S.C., 1906, c. 79, s. 127.*)

Provision in case of failure of election.

**85.** If at any time an election of directors is not held, or does not take effect at the proper time, the corporation shall not be thereby dissolved, but the election may take place at any general meeting of the corporation duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R.S.O., 1897, c. 205, s. 81.

Interim vacancies.

**86.** Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the corporation. R.S.O., 1897, c. 205, s. 82.

Powers of directors.

**87.** In every Provincial corporation the directors shall and may lawfully exercise all the powers of the corporation except as to such matters as are directed by law or by the by-laws of the corporation to be transacted at a general meeting thereof and have not been by a general meeting delegated to the directors as provided by section 81. R.S.O., 1897, c. 205, s. 83. *Amended.*

**88.**

President.

**88.** The directors shall from time to time elect from among themselves a president and vice-president, and they shall in all things delegated to them act for and in the name of the corporation, and the concurrence of a majority of the directors present at any meeting shall at all times be necessary to any act of the board. R.S.O., 1897, c. 205, s. 84.

Casting vote.

**89.** On any question before the board, each director shall have one vote, and in the event of an equality of votes the president or presiding officer shall have a second or casting vote. *New.*

Executive Committee.

**90.**—(1) The shareholders of a corporation having more than six directors, may, at a general meeting called for that purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate any of their powers to an executive committee, consisting of not less than three, to be elected by the directors from their number.

Committee's powers.

(2) A committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed upon them by such resolution or by the directors. *New.* (*See* 7 Edw. VII. c. 34, s. 82; 8 Edw. VII. c. 43, s. 1 (10).)

Delegated powers to be recorded in minute book

(3) Where directors delegate any of their powers to an executive committee, the powers so delegated shall be stated in writing and entered in the minute book of the corporation. R.S.O., 1897, c. 205, s. 85. *Amended.*

General powers of directors.

**91.**—(1) Subject to this Act, and to the Act or instrument constituting the corporation and to the by-laws of the corporation, the directors may:

Use of seal.

(*a*) Use or cause to be used and affixed, the seal of the corporation, and may affix or cause it to be affixed to any document or paper which, in their judgment may require the same;

Making, etc., calls.

(*b*) Make and enforce calls upon the shares of the respective shareholders;

Forfeiture of shares.

(*c*) Declare the forfeiture of all shares on which such calls are not paid;

Making payments, and entering into contracts.

(*d*) Make any payments and advances of money they may deem expedient which are authorized to be made by or on behalf of the corporation, and enter into all contracts for the execution of the purposes of the corporation, and for all other matters necessary to the transaction of its affairs;

Dealing with property.

(*e*) Generally deal with, sell, exchange, lease and dispose of the lands, property and effects of the corporation in such manner as they deem expedient and conducive to the benefit of the corporation;

Other acts.

(*f*) Do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities conferred by the Legislature. R.S.O., 1897, c. 205, s. 87.

By-laws for particular purposes.

**92.**—(1) The directors of any Provincial corporation, authorized as provided by section 81, may make by-laws, not contrary to law or to the special Act, or to this Act, to regulate:

Stock.

(*a*) The allotment of stock, the issue of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares or stock, the forfeiture of shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares or stock, and subject to section 98 hereof, the sub-division of existing shares into shares of smaller amount.

Dividends.

(*b*) The declaration and payment of dividends.

Officers.

(c) Subject to the provisions of section 102, the appointment, functions, duties and removal of all agents, officers and servants of the corporation, and their remuneration.

Procedure.

(*d*) The calling of meetings of the directors and the procedure at such meetings.

Miscellaneous.

(*e*) The conduct in all other particulars of the affairs of the corporation. R.S.O., 1897, c. 205, s. 88. *Part Amended.*

Payments on shares in advance of calls.

**93.**—(1) Except with the consent of the directors no payment on account of capital stock shall be made in advance of calls thereon.

Right to participate in dividends.

(2) In respect of any sum so paid, a shareholder shall be entitled to participate in any dividend declared, but it shall not bear interest, and shall not constitute a loan to or a debt of the corporation.

(3)

(3) The shareholder shall be entitled to have any such advance payment credited to him *pro tanto* as against subsequent calls. 4 Edw. VII., c. 17, s. 5 (2). To be credited as against subsequent calls.

## Transfer of Shares.

**94.**—(1) If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture, or obligation of a corporation, not payable to bearer, is transmitted in consequence of the death, or bankruptcy, or insolvency of such person, or by means other than a transfer upon the books of the corporation, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon such books, or to recognize such transmission in any manner until a statutory declaration, showing its nature and signed by the person claiming by virtue thereof, and also by the former shareholder, if living and competent to make the same, has been filed with the corporation and approved by the directors. On transmission of shares by death, etc., the transferee to file declaration showing nature of transmission.

(2) If the declaration purports to be so signed and to be made or acknowledged in the presence of a notary public, or of a Judge of a Court of Record, or of a mayor of any city, town or borough, or other place, or a British Consul, or Vice-Consul, or other accredited representative of the British or Canadian Government, the directors may, in the absence of actual notice of a contrary claim, give full credit to the declaration. R.S.O., 1897, c. 205, s. 57. Proof of transmission.

**95.**—(1) Where the directors entertain reasonable doubts as to the legality of any claim to or upon any such share, bond, debenture, obligation, or to or upon any dividend, coupon or the proceeds thereof, they may apply to the High Court stating such doubt, for an order or judgment adjudicating upon such claim, and awarding such share, bond, debenture, obligation, dividend, coupon or proceeds to the person legally entitled to the same, and the Court may restrain any action or proceeding against the corporation, or the directors or officers thereof, for the same subject-matter, pending the determination of the application. When directors have reasonable doubts as to legality of claim they may take opinion of High Court.

(2) If the order or judgment of the Court is obeyed the corporation and the directors and officers shall be fully protected and indemnified against all actions, claims and demands in respect of the matters in question in such application and the proceedings thereupon. R.S.O., 1897, c. 205, s. 59. *Part amended.* Order to be indemnity to company.

Restrictions on transfer.

**96.** Subject to subsection 4 of section 97, no by-law shall be passed which in any way restricts the right of a holder of paid-up shares to transfer the same, but nothing in this subsection shall prevent the regulation of the mode of transfer thereof. (*New.*)

Transfer of shares not fully paid up.

**97.**—(1) No transfer of shares of a Provincial corporation, the whole amount whereof has not been paid, shall be made without the consent of the directors.

Liability of directors to creditors.

(2) Where any such transfer is made with the consent of the directors to a person who is not apparently of sufficient means to fully pay up such shares, subject to subsection 3, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been.

Protest against transfer.

(3) If any director present when any such transfer is allowed forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such transfer, and is able to do so, enters on the minute book of the corporation his protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Minister and the Registrar, such director shall thereby exonerate himself from such liability. (*See R.S.C., 1906, c. 79, sections 65 and 83; also 7 Edw. VII., c. 34 (Ont.), s. 50; also 9 Edw. VII., c. 26, s. 43.*)

Where transferor indebted.

(4) Where the Letters Patent or the by-laws of a corporation confer that power on the directors they may decline to register a transfer of shares belonging to a shareholder who is indebted to the corporation. (*See R.S.C., 1906, c. 79, s. 67.*)

Increase of permanent capital stock.

**98.**—(1) The directors of any registered corporation incorporated by or under the law of Upper Canada or of the Province of Canada, or of Ontario, may, at any time after ninety per centum of the permanent capital stock of the corporation has been subscribed and ninety per centum thereof paid in, but not sooner, by by-law provide for the increase of the permanent capital stock to any amount which the directors may consider requisite.

Decrease of permanent capital stock.

(2) The directors may at any time by by-law provide for the decrease of the permanent capital stock to any amount not less than one hundred thousand dollars, which they may consider sufficient.

(3)

By-law to declare number and par value of new shares.

(3) The by-law shall declare the number and par value of the shares of the stock so increased or decreased and provide for the manner in which they are to be allotted, or the rule or rules by which the allotment is to be made.

Conversion of partly-paid shares into fully-paid shares.

(4) The directors may pass a by-law providing upon terms therein stated for the conversion of partly paid up shares into paid up shares of its permanent capital stock.

Rights of creditors preserved.

(5) The liability of shareholders to persons who, at the time the stock or shares are so increased, decreased, converted, or altered, are creditors of the corporation, shall remain as though the stock or shares had not been increased, decreased, converted, or altered.

Copy of by-law to be delivered to registrar.

(6) A copy of every such proposed by-law shall be delivered to the Registrar at least six weeks before being passed by the directors.

Notice of by-law to shareholders.

(7) Before submission of the by-law to a meeting of shareholders, as provided in subsection 9, such notice shall be given by publication and otherwise as the Registrar shall direct.

Such by-laws relating to stock or shares to be confirmed by Order-in-Council.

(8) No by-law for, or having the effect of, increasing or decreasing the permanent capital stock or shares of the corporation, whether such stock or shares are or are not subscribed or issued, or for, or having the effect of, sub-dividing such shares or altering the par value of such shares, or altering the liability of any holder of such stock or shares, or converting partly paid-up shares into paid-up shares, shall have any force or validity until it has been duly adopted and ratified by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law, and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting, and has afterwards been confirmed by the Lieutenant-Governor in Council.

When confirmation may be granted.

(9) The Lieutenant-Governor in Council may grant such confirmation, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it appears that the confirmation of the by-law would not be in the public interest.

Varying by-law on confirmation.

(10) With the consent of the corporation, evidenced by a resolution of the directors, the changes provided for in any such by-law may be varied or amended by the

confirming

confirming order-in-council, and may be made subject to such conditions as the Lieutenant-Governor in Council may deem proper.

Evidence of confirmation by Lieutenant-Governor in Council.

(11) The confirmation by the Lieutenant-Governor in Council may be evidenced by a certificate of the Minister or by a certified copy of the Minister's certificate in the like manner and with the like effect as provided in sections 56 and 57.

Certificate to be conclusive.

(12) Such certificate shall be conclusive evidence of all matters therein certified or declared, and of the due performance of all matters precedent or preliminary to the granting thereof. 63 Vic., c. 27, s. 4. *Amended.*

BOOKS TO BE KEPT BY CORPORATIONS.

Record books to be kept, and what to contain.

**99.**—(1) Every corporation having its head office in Ontario shall cause a book or books to be kept at such head office by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded:

Copy letters patent.

(*a*) A copy of the letters patent or other instrument or Act constituting the corporation, and of any instrument or Act amending or supplementing the same;

By-laws.

(*b*) All by-laws of the corporation;

Names of shareholders, etc.

(*c*) The names alphabetically arranged of all persons who at and after the passing of this Act are or shall be holders of shares or stock, with the address and calling of every such person while such shareholder; the amounts paid in and remaining unpaid respectively on the stock of each shareholder; and all transfers of stock in their order as presented to the corporation for entry, with the date and other particulars of each transfer, and the date of the entry thereof;

Holders and transfers of debenture stock.

(*d*) The like particulars respecting holdings and transfers of debenture stock;

Names, etc., of directors.

(*e*) The name, address and calling of every person who at and after the passing of this Act is or shall be a director of the corporation, with the dates

at

at which he became and ceased to be such director. R.S.O., 1897, c. 205, s. 89 (1).

Books to be open for inspection.

(2) Such books shall, without the payment of any fee or charge, during reasonable business hours of every day, except holidays, be kept open for the inspection of shareholders, depositors, and holders of debentures or debenture-stock of the corporation, and their personal representatives, and every such person may, by himself or his agent, make extracts therefrom. R.S.O., 1897, c. 205, s. 89 (2); 6 Edw. VII., c. 19, s. 29 (4).

Right to make extracts.

Forfeiture for neglect

(3) Every such corporation which neglects to keep such book or books shall be liable to forfeit its registry under this Act; and, if a provincial corporation, shall also be liable to forfeit its corporate franchise and rights. R.S.O., 1897, c. 205, s. 89 (4).

Penalty for false entries.

(4) No auditor, director, officer or servant of the corporation shall knowingly make or assist in making any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein.

Liability for damages

(5) Any person violating the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R.S.O., 1897, c. 205, s. 89 (5).

Register of securities.

**100.**—(1) A register of securities shall be kept by every corporation.

In case of corporation having head office in Ontario.

(2) The register of a corporation having its head office in Ontario shall include all securities held by the corporation.

Other corporations.

(3) The register of any other corporation shall include all the securities held upon or in respect of property in Ontario.

Entry of securities as taken.

(4) Within thirty days after the taking of a security, a proper entry, specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register. R.S.O., 1897, c. 205, s. 90.

Terminating Shares Book

**101.**—(1) Every loan corporation in which and so long as there are any holders of terminating shares or stock, shall keep a book, or books, to be known as the Terminating Shares

Book

Book, in which shall be entered the name, address and calling of every such person while such shareholder, the number and amount of shares from time to time taken by him, and his several payments thereon, the interest or profits earned by his shares, also the repayments or the advances, if any, made by the corporation on account of his shares.

Entry of forfeiture.

(2) In any case of forfeiture of shares an entry shall be made thereof, with the date of the forfeiture.

Application of subsects. 2 to 5 of s. 99

(3) The provisions of subsections 2 to 5 of section 99 shall apply to the books prescribed by section 100 and this section. R.S.O., 1897, c. 205, s. 91.

AUDIT; STATEMENTS TO SHAREHOLDERS.

Accounts shall be audited.

**102.**—(1) The accounts of a corporation shall be examined once at least in every year, and the correctness of the balance-sheet shall be ascertained by two or more auditors. (*See* 7 Edw. VII., c. 34, s. 123.)

First auditors.

(2) The first auditors of a corporation may be appointed by the directors before the first meeting of the shareholders, and shall hold office until the first general meeting. (*See* 7 Edw. VII., c. 34, s. 124.)

Appointment of auditors.

(3) Thereafter the auditors shall be appointed by resolution at a general meeting of the corporation and shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders in general meeting. (*See* 7 Edw. VII., c. 34, s. 125.)

Auditors may be shareholders.

(4) The auditors may be shareholders in the corporation, but no person shall be eligible as an auditor who is interested otherwise than as a shareholder in any transaction of the corporation, and no director or other officer of the corporation shall be eligible during his continuance in office. (*See* 7 Edw. VII., c. 34, s. 126.)

Registrar may appoint.

(5) If an appointment of auditors is not made at an annual meeting, the Registrar may, on the application of any shareholder of the corporation, appoint an auditor of the corporation for the current year, and fix the remuneration, if any, to be paid to him by the corporation for his services. (*See* 7 Edw. VII., c. 34, s. 127.)

Directors may fill vacancies.

(6) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act, and

any

any auditor may be eligible for reappointment. (*See* 7 Edw. VII., c. 34, s. 128.)

Suspension of Auditors.

(7) The directors may, by a two-thirds vote, suspend any auditor for incapacity, misconduct or negligence until the next general meeting of the corporation, and in the event of suspension shall appoint an auditor *ad interim*. R.S.O., 1897, c. 205, s. 92 (3).

Remuneration of auditors.

(8) The remuneration of the auditors shall be fixed by the corporation in general meeting, except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. (*See* 7 Edw. VII., c. 34, s. 129.)

Rights and duties of auditors.

(9) Every auditor of a corporation shall have the right of access at all times to the books, accounts and vouchers of the corporation, and may require from the directors and officers of the corporation such information and explanation as may be necessary for the performance of his duties, and the auditors shall sign a certificate at the foot of the balance-sheet stating whether or not their requirements as auditors have been complied with and shall make a report to the shareholders or members on the accounts examined by them, and on every balance sheet laid before the corporation in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the corporation's affairs as shown by its books, and such report shall be read at its general meeting. (*See* 7 Edw. VII., c. 34, s. 130.)

Periodical financial statement to shareholders.

**103.**—(1) The corporation shall once at least in every year, cause to be prepared a general statement of its liabilities and assets, specifying in whose custody or possession the funds and effects of the corporation then are, together with a summary account of all sums received or expended by or on account of the corporation since the making of the next preceding periodical statement and bringing forward the cash balance from that statement.

Periodical statement to bear auditors' certificate.

(2) Every such periodical statement shall be attested by the signature of the treasurer or some other principal officer of the corporation, and shall contain a certificate signed by the auditors stating that they have duly audited the books, accounts, securities and vouchers of the corporation and the result of the audit.

(3)

Right of shareholder to copy of statement.

(3) Every shareholder shall be entitled to receive from the corporation, without charge, a copy of such signed and certified statement. R.S.O., 1897, c. 205, s. 93.

OFFICERS AND SERVANTS; CUSTODY OF BOOKS AND EFFECTS OF CORPORATION.

Directors to appoint officers

**104.** Subject to section 102, the directors shall from time to time appoint such persons as they think proper to be officers, servants or employees of the corporation, grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the corporation; and shall from time to time appoint such persons as may be necessary for the purposes of the corporation, for the time and for the purpose expressed in the by-laws, and may from time to time discharge such persons, and appoint others in the room of those who retire, die or are discharged. R.S.O., 1897, c. 205, s. 94.

"Manager" and "Managing Director."

**105.** The secretary or treasurer or secretary-treasurer or other officer of the corporation may be styled "Manager," and when the officer is also a director he may be styled "Managing Director." R.S.O., 1897, c. 205, s. 95.

Certain persons in service of corporation to furnish security.

**106.** Every officer or other person appointed to any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security according to the by-laws of the corporation and to the satisfaction of the directors for the just and faithful execution of the duties of his office, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security. R.S.O., 1897, c. 205, s. 96.

Books of auditor, etc., to be property of corporation.

**107.**—(1) The books used by any auditor, officer, collector or agent for verifying or recording money received for the corporation shall be the property of the corporation.

Other persons not to have property in books.

(2) Neither the foregoing persons, nor any solicitor, counsel or other person shall have in or upon these or any other of the books of account or record of the corporation any ownership or proprietary right, or any right of lien.

Penalty.

(3) Any person who, in contravention of this section, withdraws, withholds or detains any of such books from the possession or control of the directors, or from the receiver or liquidator of the corporation, shall be guilty of an offence. R.S.O., 1897, c. 205, s. 97. *Part.*

After decease, bankruptcy, etc., of officer, books, etc., to be delivered to corporation.

**108.** Where a person who has been but has ceased to be a director, manager, auditor, officer, agent, collector, servant or employee of a corporation, or any other person unlawfully retains possession of any account, books, money, securities

securities, papers, matters or things which are the property of the corporation, a Judge of the High Court or of a County or District Court on application of the corporation or any depositor or shareholder therein or of the Registrar, and upon notice to the person affected may order that such accounts, books, money, securities, papers, matters and things be forthwith delivered to such person as the Judge may direct and in default that the person so retaining possession shall be imprisoned for such period as the Judge may direct or until he complies with the direction of the order, and may authorize the Sheriff of any County or District in which the same may be found forthwith to seize and take such accounts, books, money, securities, papers, matters and things and deliver the same to the person to whom they have been directed to be delivered. (*See* 9 Edw. VII., c. 5, s. 17.)

MISAPPLICATION OF MONEYS.

Moneys not to be misapplied under penalties.

**109**. In addition to making full restitution and to any liability under the criminal law, any director, officer, servant or employee of a corporation who diverts or misapplies any money subscribed to, received by, or belonging to the corporation, shall incur a penalty of not less than $100 or more than $2,000, recoverable by the corporation by action in the High Court. R.S.O., 1897, c. 205, s. 73. *Part amended.*

ANNUAL STATEMENT TO DEPARTMENT: REGISTRAR'S REPORT.

Annual statement.

**110**.—(1) The managing director, manager or secretary of every registered corporation shall prepare annually on the 1st day of January, or within two months thereafter, according to a printed form to be supplied on application to the Registrar, a statement of the financial condition and affairs of the corporation up to the 31st December next preceding. R.S.O., 1897, c. 205, s. 99 (1), *part.*

Filing of statement.

(2) The statement having been adopted by a resolution of the directors, and having been signed and sworn to by the president or vice-president and the managing director, manager or secretary with a certified copy of the resolution, and of the auditors' statement or certificate, shall be filed with the Registrar on or before the 1st day of March then next ensuing. R.S.O., 1897, c. 205, s. 99 (1), *part*; 6 Edw. VII., c. 19, s. 29 (5).

Extension.

(3) On sufficient cause shown and upon payment of the prescribed fee, the Registrar by writing under his hand and seal, may, either before or after the 1st day of March, extend the time for the delivery of the statement. R.S.O., 1897, c. 205, s. 99 (3), *part.*

(4)

Refusal of information or production

(4) A corporation which does not file its statement as required by this section, or make prompt and explicit answer to any enquiries then or at any time put by the Registrar touching its contracts, finances, stock, shares, securities, obligations, by-laws or books or, if required, produce for examination its books, records, securities, accounts, and vouchers shall be liable to suspension, cancellation, or non-renewal of registry, and shall incur a penalty of $50 for each day of default, but not exceeding in the whole $1,000. R.S.O., 1897, c. 205, s. 99 (1); 62 Vic. (2), c. 22, s. 3 (1); *Amended.*

What financial statement shall include.

(5) In the case of an extra-Provincial corporation, the statement shall comprise a certified copy of the last audited financial statement published or prepared by the corporation for the information of its shareholders and members, and also a statement of the business of the corporation in Ontario for the year then last ended; and the last mentioned statement shall be signed and sworn to by the chairman of the board or other presiding officer and by the secretary, or by the manager or chief agent and by the accountant or secretary of the corporation. R.S.O., 1897, c. 205, s. 99 (3), *part.*

Copy of periodical statement or statements

(6) With the statement the corporation shall file a certified copy of any statement furnished to shareholders during the year then ended. R.S.O., 1897, c. 205, s. 100.

Registrar's Annual Report

**111.** From the statements so filed the Registrar shall cause to be prepared, printed and distributed a report which may be known as the Loan and Trust Corporations Statements for the year ending 31st December, naming the year; and such report shall include a list of registered loan corporations brought up to the date of publication. R.S.O., 1897, c. 205, s. 101.

Representations that standing of corporation is vouched for by registrar

**112.**—(1) No corporation shall under the penalty of becoming disentitled to registry or of having its registry suspended or cancelled make, print, publish, circulate, authorize or be a party or privy to the making, printing, publishing or circulating of any statement or representation that its solvency or financial standing is vouched for by the Registrar or that the publication of its statement in his report is a warranty or representation of the solvency of the corporation, or of the truth or accuracy of such statement in any particular.

Penalty.

(2) Any director, auditor, officer, servant, employee or agent of a corporation who makes or uses or authorizes or is party or privy to the making or using of any such statement or representation shall be guilty of an offence. R.S.O 1897, c. 205, s. 102.

REGISTRAR; REGISTERS; PROCEEDINGS TO REGISTRY.

Appointment of registrar and assistants.

**113.**—(1) There shall be a Registrar and an Assistant Registrar who shall be appointed by the Lieutenant-Governor in Council. R.S.O., 1897, c. 205, s. 103 (1). *Amended.*

Assistant Registrar, duties of.

(2) The Assistant Registrar shall perform the duties of the Registrar in the case of the latter's absence or illness, or of a vacancy in the office of Registrar, and shall also perform such other duties as shall be assigned to him by the Lieutenant-Governor in Council, by the Minister or by the Registrar. *New.*

Official seal.

**114.** The Registrar shall have a seal of office, which shall bear upon its face the words "Registrar of Loan and Trust Corporations." R.S.O., 1897, c. 205, s. 119.

Three registers to be kept.

**115.**—(1) The Registrar shall keep:—

Loan Companies' Register.

(*a*) A Register to be called "The Loan Companies' Register," wherein shall be recorded the names of such loan corporations as are from time to time entitled to registry, whose powers do not include the business of buying and selling land, or that of a trustee, executor, administrator, guardian, liquidator, receiver or assignee; R.S.O., 1897, c. 205, s. 104 (1).

Loaning Land Companies Register.

(*b*) A Register to be called "The Loaning Land Companies' Register," wherein shall be entered the names of such loaning land corporations as are from time to time entitled to registry, whose powers include the business of buying and selling land, but not that of a trustee, executor, administrator, guardian, liquidator, receiver or assignee; R.S.O., 1897, c. 205, s. 104 (2).

Trust Companies' Register.

(*c*) A Register to be called "The Trust Companies' Register," wherein shall be entered the names of such trust companies as are from time to time entitled to registry, whose powers include the business of a trustee, executor, administrator, guardian, liquidator, receiver or assignee, but do not include that of buying and selling land as beneficial owner, and, subject to subsection 3, do not exceed the powers which may be given to trust companies under this Act. R.S.O., 1897, c. 205, s. 104 (3); 3 Edw. VII., c. 16, s. 7 (1). *Part.*

No corporation to be registered on more than one register.

(2) A corporation shall not be registered on more than one of such registers, nor transact or undertake business in Ontario

Ontario other than the business for which it is registered. 3 Edw. VII., c. 16, s. 7 (2).

Special Acts as to trust companies not affected

(3) Nothing in this section shall diminish the powers conferred on any trust company by or under the authority of any other Act of Ontario, nor shall the possession of powers so conferred debar it from registry on the Trust Companies Register. 3 Edw. VII., c. 16, s. 7 (1). *Part.*

Duties of Registrar

**116.**—(1) The duty of determining, distinguishing and registering those corporations which under this Act are required to be registered and are entitled to registry, and of granting registry accordingly, shall devolve upon the Registrar, subject to appeal as hereinafter provided.

Evidence

(2) For the purposes of his duties the Registrar may require to be made, or may take and receive affidavits or depositions, and may examine witnesses upon oath.

Employment of stenographer

(3) The evidence and proceedings in any matter before the Registrar may be reported by a stenographer who has taken an oath before the Registrar faithfully to report the same. R.S.O., 1897, c. 205, s. 105.

Transfer of papers

**117.** After the issue of Letters Patent to any corporation required or authorized to register under this Act, the Provincial Secretary shall transfer all papers in his Department connected with such company to the office of the Registrar. R.S.O., 1897, c. 205, s. 106 (2).

Applications for initial registry

**118.**—(1) Applications for initial registry shall be made according to a form to be supplied by the Registrar, and the applicant shall deliver to the Registrar the application duly completed, together with such evidence as the form requires.

Material to be furnished

(2) The applicant shall, if required, furnish such further information, material and evidence, and give such public notice of the application as the Registrar may direct.

Financial statement to accompany application

(3) With the application the applicant shall file a statement in such form as may be required by the Registrar, of the financial condition and affairs of the corporation on the 31st day of December next preceding, or up to the usual balancing day of the corporation, if such balancing day is not more than twelve months before the filing of the statement, and the statement shall be signed and verified as prescribed by section 110. R.S.O., 1897, c. 205, s. 107.

What statement shall show.

EXTRA PROVINCIAL CORPORATIONS—POWERS OF ATTORNEY.

Power of attorney to service of process, etc., must accompany applications in certain cases.

**119.**—(1) Where a corporation applying for registry has its head office elsewhere than in Ontario, the application shall be accompanied by a power of attorney from the corporation to an agent or agents resident in Ontario.

(2)

Execution of power of attorney.

(2) The power of attorney shall be under the seal of the corporation, and shall be signed by the president and secretary or other proper officers thereof in the presence of a witness, who shall make oath as to the due execution thereof.

Proof of official position of persons signing.

(3) The official positions in the corporation held by the officers signing such power of attorney shall be verified by the oath of some person cognizant of the facts.

Contents of power of attorney.

(4) The power of attorney shall declare at what place in Ontario the chief agency of the corporation is, or is to be established, and shall expressly authorize such agent or agents to receive service of process in all actions and proceedings against the corporation in Ontario for any liability incurred by the corporation therein, and also to receive from the Registrar all notices which the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liability on either of such agents and receipt of such notices at such chief agency or personally by either of such agents, shall be legal and binding on the corporation.

Filing of power of attorney

(5) The power of attorney with the affidavit shall be filed with the Registrar.

(*See as to registration of powers of attorney, Registry Act, 10 Edw. VII. c. 60, s. 44 (4).*)

Authority conferred by power of attorney.

(6) The power of attorney may confer upon the agent or agents any further or other powers which the corporation may deem advisable.

Copy to be evidence.

(7) The production of a copy of such power of attorney certified by the Registrar shall be sufficient evidence for all purposes of the power and authority of the person or persons therein named to act on behalf of the corporation in the manner and for the purposes set forth in such certified copy.

Changes in chief agent or agency.

(8) Whenever the corporation changes its agent or chief agency in Ontario, it shall file with the Registrar a power of attorney, as hereinbefore provided, stating the change or changes and containing a similar declaration as to service of process and notices as hereinbefore provided.

Service of process thereafter

(9) After the power of attorney is filed, any process in any action or proceeding against the corporation for a liability incurred in Ontario may be validly served on the corporation at its chief agency; but nothing herein shall render invalid service in any other mode in which a corporation may be lawfully served.

Section to apply notwithstanding special Act.

(10) This section shall apply notwithstanding any special or other legislation of Ontario affecting any registered corporation. R.S.O., 1897, c. 205, s. 108; 63 Vic., c. 27, s. 10 (1). *Amended.*

Recording registry; entries on register.

**120.**—(1) The Registrar shall cause to be entered on the proper register the name of every corporation, which from time to time he, or, in case of appeal, the Lieutenant-Governor in Council, finds to be entitled to registry, together with the date of the commencement of the registry; and the term for which the registry is to endure.

Term of registry.

(2) The term shall begin from the date of such commencement, and shall end not later than the 30th day of June then next ensuing.

Particulars to be entered.

(3) The Registrar shall also cause to be entered on the register the place where the head office, and the chief agency, if any, are situate, and if there is a chief agency, the name and address of the chief agent, and of the agent or agents appointed under the next preceding section.

Entering suspension, etc., of registry.

(4) If the registry is suspended, revived, revoked, or cancelled, the date of and authority for such suspension, revivor, revocation or cancellation, shall also be entered.

Issue of certificate of registry.

(5) The Registrar shall issue under his hand and seal of office to every registered corporation a certificate of registry, setting forth that the corporation is entitled to registry as a (*describing the corporation*) under this Act, and that the corporation is accordingly registered for the term stated in the certificate.

Commencement and end of certificates.

(6) Every certificate of registry shall specify the first day and the last day of the term for which the corporation is registered; and the corporation so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified.

Duration of registry.

(7) A certificate of registry which does not specify an earlier date of expiry shall, unless sooner suspended or cancelled, remain valid until the then next ensuing thirtieth day of June inclusive, when, if the corporation has complied with the law and continues solvent, it shall be entitled to a certificate of renewed registry, and so on every succeeding thirtieth day of June thereafter.

Interim certificate.

(8) Notwithstanding failure to comply with the provisions of this Act within the prescribed time, the Registrar may, upon payment of the prescribed fee, grant an interim certificate

certificate of registry or extend the currency of a subsisting certificate. (R.S.O., 1897, c. 205, s. 109.)

CORPORATE NAME: CHANGE OF NAME OR OF HEAD OFFICE.

**121.**—(1) No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or under any other name likely, in the opinion of the Registrar, to deceive the public as to its identity. Similar corporate names.

(2) No registered corporation shall be registered under a new or different name, except upon proof that such new or different name is authorized by law. New names.

(3) Where a Provincial corporation is desirous of adopting a name different from that by which it was incorporated, or where, in the opinion of the Registrar, the name by which the corporation was incorporated may be easily confounded with that of another existing corporation, the Lieutenant-Governor in Council may change the name of the corporation to some other name to be stated in the Order in Council. Change of corporate name.

(4) No such change of name shall affect the rights or obligations of the corporation. Not to affect rights or obligations.

(5) The location of the head office of a corporation may be changed in like manner. Change of head office.

(6) Such public notice shall be given of any change of name or head office, and of any application for such change, in the *Ontario Gazette* and otherwise, as the Registrar may direct. R.S.O., 1897, c. 205, s. 110. Public notice.

CORPORATIONS ADMISSIBLE TO REGISTRY: REFUSAL, SUSPENSION, REVIVOR, CANCELLATION OF REGISTRY: APPEAL.

**122.**—(1) Corporations mentioned in section 115, which are solvent and fall within one of the following classes, may, upon due application, be admissible to registry. R.S.O., 1897, c. 205, s. 111; 3 Edw. VII., c. 16, s. 8. What corporations shall be admissible to registry.

(*a*) Corporations hereafter duly constituted under the law of Ontario. R.S.O., 1897, c. 205, s. 111 (1). Corporations hereafter constituted by the Province.

(*b*) Corporations which being duly incorporated or constituted under the law of Ontario, or of any other Province of Canada, or of the Dominion of Canada, or of the United Kingdom, were in actual, active and *bona fide* operation in Ontario on the tenth day of February, 1897, Certain active corporations.

1897, but a corporation not being incorporated or constituted under the law of Ontario shall be admissible to registry only on due application and with the approval of the Minister and on such terms and conditions as he may prescribe. R.S.O., 1897, c. 205, s. 111 (2); 63 Vic., c. 27, s. 10 (2).

Other non-Provincial corporations

(*c*) Corporations duly constituted as joint stock corporations under the law of any other Province of Canada, or of the Dominion of Canada, or of the United Kingdom, which issue only permanent shares and have a subscribed permanent stock of not less than $500,000, whereof $100,000 is paid in and unimpaired. R.S.O., 1897, c. 205, s. 111 (3).

Corporations of other countries.

(2) A corporation incorporated under the laws of any other country may, upon due application, with the approval of the Minister, be admitted to registry on such terms and conditions as he may deem expedient.

Other corporations not to be registered.

(3) Subject to sub-section 1 of section 143, no other corporation shall be registered. *New.*

Suspension or cancellation of registry

**123.**—(1) Upon proof that registry or a certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, or is insolvent, or has failed to pay its obligations, or has wilfully, and after notice from the Registrar, contravened any of the provisions of this Act, or of the Act or instrument incorporating the company, or of any law in force in Ontario, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar. R.S.O., 1897, c. 205, s. 112 (1); 62 V. (2), c. 22, s. 3 (2).

Notice of suspension or cancellation of registry to be given to the corporation.

(2) On the suspension or cancellation of the registry of any existing corporation, the Registrar shall cause notice in writing thereof, to be delivered to the corporation.

Publication in *Gazette*.

(3) Where the corporation has ceased to exist the notice shall be published in the *Ontario Gazette*.

Corporation to cease business except for winding up purposes.

(4) From and after such suspension or cancellation, or after termination of registry without renewal, the corporation shall, unless and until again registered, cease to transact or undertake business in Ontario, except so far as necessary for the winding up of its business; but any liability incurred by such corporation may be enforced against it as if such suspension, cancellation or termination had not taken place. R.S.O., 1897, c. 205, s. 112 (2).

Decision of Registrar to be in writing and to be delivered to corporation

**124.**—(1) Where in any disputed case the Registrar decides that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives, or cancels the registry of a corporation, his decision, except as otherwise herein provided, shall be given in writing and he shall cause a copy thereof certified under his seal of office to be delivered to the corporation.

Certified copy of judgment or of a certificate of registry.

(2) A certified copy of any such decision, or of any certificate of registry may be had on application to the Registrar, upon payment of the prescribed fee.

Affidavits and depositions to be filed.

(3) Affidavits and depositions received or taken by the Registrar shall be filed in his office. R.S.O., 1897, c. 205, s. 113.

Appeal to the Lieutenant-Governor in Council.

**125.**—(1) An appeal shall lie to the Lieutenant-Governor in Council from any decision of the Registrar affecting the right of any corporation to register, or affecting the revivor of registration, or suspending or cancelling the registration of any corporation, and from any decision of the Registrar under section 120 or section 121, and by leave of the Lieutenant-Governor in Council from his decision in any other case. R.S.O., 1897, c. 205, s. 114 (1); 62 V. (2), c. 22, s. 4 (1).

Notice of appeal and grounds.

(2) Unless otherwise ordered by the Lieutenant-Governor in Council, no appeal shall be allowed unless within thirty days after the decision appealed against has been made, notice of appeal and of the reasons therefor is delivered to the Registrar. R.S.O., 1897, c. 205, s. 114 (2). *Amended.*

Decision.

(3) The decision of the Lieutenant-Governor in Council shall be final and conclusive. R.S.O., 1897, c. 205, s. 114 (3).

Actions against Registrar.

(4) No action or proceeding shall be brought or taken against the Registrar or Assistant Registrar for anything done or omitted in the performance, or intended or supposed performance of his duty under this Act without the leave of the Attorney-General. 62 V. (2), c. 22, s. 4 (2).

Cancellation of registry by request of corporation.

**126.** The Registrar may, at the request of the corporation, evidenced as he may direct, cancel its registry. R.S.O., 1897, c. 205, s. 115.

NOTICE TO CORPORATION FOR THE PURPOSES OF THE ACT.

Service of notices

**127.** Delivery of any written notice or document to a corporation for any purpose of this Act, where the mode is not otherwise expressly provided, may be by letter delivered

at the head or chief office of the corporation in Ontario or its chief agency therein, or sent by registered post addressed to the corporation, its manager or agent at such head or chief office or agency, or by delivering it personally to an authorized agent of the corporation. R.S.O., 1897, c. 205, s. 116.

UNREGISTERED CORPORATIONS PROHIBITED.

No unregistered corporation to undertake the business of a corporation.

**128.**—(1) No incorporated body or person acting in its behalf, other than a registered corporation, and a person duly authorized by it to act in its behalf shall undertake or transact the business of a loan corporation, or of a loaning land corporation, or of a trust company in Ontario.

Certain matters to be deemed undertaking business.

(2) Any setting up or exhibiting of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf, or any collecting or taking of money on account of shares or of loans or advances shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section. R.S.O., 1897, c. 205, s. 117 (1).

No person to act as agent for unregistered corporation.

(3) Any promoter, organizer, manager, director, officer, collector, agent, employee, or person who undertakes or transacts any business of a corporation which is not registered under this Act, shall be guilty of an offence. R.S.O., 1897, c. 205, s. 117 (2).

Penalty for using certain words in name of company while unregistered.

**129.** Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Ontario Insurance Act*, assuming or using in Ontario a name which includes any of the words "Loan," "Mortgage" "Trust," "Trusts," "Investment," or "Guarantee," in combination or connection with any of the words "Corporation," "Company," "Association" or "Society," or in combination or connection with any similar collective term, or assuming or using in Ontario any similar name, or any name or combination of names which is likely to deceive or mislead the public, shall be guilty of an offence; and any person acting on behalf of such person, partnership, organization, society, association, company or corporation shall also be guilty of an offence; but where any of such combinations of words formed part of the corporate name of any corporation theretofore duly incorporated by or under the authority of an Act of Ontario

or

or of the Parliament of Canada, the combination may continue to be used in Ontario as part of the corporate name. 63 V., c. 27, s. 12; 3 Edw. VII., c. 16, s. 9.

ILLEGAL CONTRACTS OF UNREGISTERED PERSONS.

**130.**—(1) In this section: Interpretation.

"Contract" shall mean and include any contract, agreement, undertaking or promise "Contract"

(*a*) To pay to or for the contract-holder any money or money's worth;

(*b*) To sell, supply or procure any building or site or land or to bring about the purchase and sale or supply thereof; or

(*c*) To construct or procure the construction of any house or building

made upon any consideration which includes an entrance or membership fee, or expense contribution, initial, renewal, periodical or recurrent, or which includes any periodical or recurrent contribution to a fund, or account, or source for, or intended or alleged to be for, the carrying out of such contract;

And "contract" shall further include any contract, agreement, undertaking, or promise, the benefit of which to the contract-holder paying any such consideration is to be wholly or partly postponed or deferred until other contract-holders have been provided for, or is to depend upon the number or the persistence of the other contract-holders, or upon the accession of new contract-holders, or upon the order or sequence of the contract. Interpretation extended.

(2) Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act, or under *The Ontario Insurance Act*, undertaking or effecting, or offering to undertake or effect, any such contract, shall be guilty of an offence; and any person acting on behalf of such person, partnership, organization, society, association, company or corporation, shall also be guilty of an offence, and the convicting Magistrate or Justices, in addition to imposing the prescribed penalty, may at the time of conviction or thereafter, make such order for the restitution of the money which was unlawfully taken as to him or them shall seem just; and in default of compliance with such order, the offender shall be liable to Prohibition against certain contracts. Order for restitution of moneys taken. Penalty for non-compliance with said order.

imprisonment

imprisonment for a term not exceeding twelve months. 4 Edw. VII., c. 17, s. 4 (*b*).

OFFENCES AND PROSECUTIONS.

Use of sign, name or document inducing breach of section, etc.; Order for discontinuance

**131**. Where in any case arising under any of the next preceding three sections it is found by the Magistrate or Justices that the person, partnership, organization, society, company or corporation charged or his or its agent is exhibiting or using any sign, inscription or name, or distributing, using or publishing any document, including any proposal, circular, card, advertisement, notice, application, contract or printed form, which in the opinion of the Magistrate or Justices induces, or tends to induce, a violation of any of such sections, or is likely to deceive or mislead the public either as to the party or the status of the party undertaking the contract, or as to the nature, terms or effect of the contract, the Magistrate or Justices may summarily order the discontinuance of such sign, inscription, name or document; and non-compliance with such order shall be an offence. 4 Edw. VII., c. 17, s. 4 (*d*).

Offences for which no special penalty provided.

**132**.—(1) For every contravention of this Act, which is declared to be an offence and for which no other penalty is provided, the offender shall, for the first offence, incur a penalty of not less than $20 and not more than $200, and for any subsequent offence of the same kind shall be liable to imprisonment for any term not less than three months and not more than twelve months, or in the case of an organization, society, association, company or corporation, to a penalty not exceeding $1,000.

Prosecutions.

10 Edw. VII., c. 37.

(2) The prosecution shall be before a Police Magistrate or two Justices of the Peace, and, except as herein otherwise provided, the provisions of *The Ontario Summary Convictions Act* shall apply. R.S.O., 1897, c. 205, s. 117 (2). *Amended.*

Limitations of prosecutions.

(3) The information or complaint shall be laid or made in writing within one year after the commission of the offence. R.S.O., 1897, c. 205, s. 117 (6).

Security upon appeal from conviction.

**133**. Every person convicted under this Act who gives notice of appeal against the conviction shall before proceeding with the appeal give security to the satisfaction of the Magistrate or Justices to appear personally at the Court and to prosecute such appeal, and to abide by the judgment of the Court thereupon, and to pay such costs as may be awarded, and if a pecuniary penalty is imposed, to pay the same, if the conviction is affirmed. *See* R.S.O., 1897, c. 205, s. 117 (4); 6 Edw. VII., c. 19, s. 29 (6).

**134**.

**134.**—(1) One-half of any penalty imposed under the authority of this Act shall belong to His Majesty, for the use of Ontario, and the other half shall belong to the prosecutor. R.S.O., 1897, c. 205, s. 117 (3). Informant: application of fine.

(2) In every action for a penalty or prosecution for an offence against this Act, the burden of proving registry shall be upon the person, partnership, organization, society, association, company or corporation charged. R.S.O., 1897, c. 205, s. 117 (5). Burden of proof of registry.

VERIFICATION OF ANNUAL STATEMENTS MADE TO REGISTRAR; SPECIAL AUDIT.

**135.**—(1) The Registrar or any person authorized under his hand and seal shall, with the approval of the Minister, have at any time within reasonable business hours of every day except holidays access to the books, vouchers, securities and documents of a corporation, and any officer or person in charge, possession, custody or control of such books, vouchers, securities or documents refusing or neglecting to afford such access, shall be guilty of an offence, and the corporation, if registered, shall be liable to have its registry suspended. Registrar to have access to corporation books, etc.

(2) The corporation, on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled, or not renewed after termination of the current certificate. Cancellation of registry for refusing access.

(3) Where a corporation is three months in default in the delivery of the financial statement required by section 110 or upon proof that its accounts have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts; or where there is filed with the Registrar a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five shareholders of the corporation, holding shares upon which not less than $10,000 has been paid in, and alleging to the satisfaction of the Registrar specific fraudulent or illegal acts, or repudiation of contracts, or insolvency, and accompanied by a deposit of $300 or such less sum as the Registrar may fix as security to cover the costs of the audit, the Registrar may nominate a competent accountant, who shall under his direction make a special audit of the corporation's books, accounts and securities, and make to him a written report thereupon, verified upon oath. Special audit in case of fraud, illegal acts, or default of audit or financial statement.

(4) A special auditor so appointed shall be sufficiently accredited, if he delivers to the secretary, or to any managing Credentials of auditor.

officer

officer of the corporation a written statement under the hand and seal of the Registrar, to the effect that the Registrar has nominated him to audit the books, accounts and securities of the corporation.

Expenses of special audit.

(5) The expense of such special audit shall be borne by the corporation, and the auditor's account therefor when approved in writing by the Registrar shall be conclusive, and shall be payable forthwith.

Payment of costs out of deposit.

(6) Where the facts alleged in the requisition appear to the Registrar to have been partly or wholly disproved by the audit, and he deems it just, he may pay the costs of the audit partly or wholly out of the deposit. R.S.O., 1897, c. 205 s. 118 (1)-(4). *Amended.*

Return of balance of deposit.

(7) The deposit or the balance, if any, remaining after payment of such costs shall be returned to the requisitioning shareholders upon the order of the Registrar. *New.*

Where corporation refuses or obstructs audit.

(8) Where a corporation, by its officer, employee, servant or agent, having in his custody, possession or power the funds, books, vouchers, securities, or documents of the corporation, refuses to have the same duly audited, as provided by section 102, or by this section or by section 136, or obstructs an auditor or examiner in the performance of his duties, the Registrar, upon proof of the fact, may suspend or cancel the registry of the corporation, or may terminate the registry after the expiry of the current certificate of registry.

Report of special auditor.

(9) If the report of the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of the corporation, or a repudiation of its contracts, or its insolvency, he shall notify the corporation accordingly and furnish it with a copy of the report, allowing two weeks for a statement in reply to be filed with him.

Registrar's decision.

(10) Upon consideration of the report and of the corporation's statement in reply, and of such further evidence, documentary or oral, as he may require, the Registrar shall render his decision in writing, and may thereby continue, or terminate, or suspend, or cancel the registry of the corporation. R.S.O., 1897, c. 205, s. 118 (6)-(8). *Amended.*

Appointment of examiner by Attorney-General to audit books, accounts, etc., of company.

**136.**—(1) The Attorney-General, of his own motion or upon an application being made to him, in writing, may appoint some competent person to make a special examination

tion and audit of the corporation's books, accounts and securities, and to enquire into the conduct of the business of the corporation generally.

Evidence upon which inquiry to be ordered.

(2) The application shall be supported by such evidence as the Attorney-General may require for the purpose of showing that there is good reason for requiring such investigation to be made, and that it is not prompted by malicious motives.

Security for costs of enquiry.

(3) The Attorney-General may require security for the payment of the costs of the enquiry to be given before appointing the examiner.

Powers of examiner as to summoning witnesses, etc.

(4) The examiner may summon witnesses and take evidence under oath and generally for the purposes of such examination, audit and enquiry shall have the like powers as may be conferred on a commissioner appointed under *The Public Inquiries Act.* 8 Edw. VII., c. 8.

Examiner to report to Attorney-General.

(5) Upon the conclusion of such examination, audit and enquiry, the examiner shall make his report in writing to the Attorney-General. 5 Edw. VII., c. 19, s. 1.

Refusal to make entries or exhibit same, etc.

**137.** Every director, manager, auditor, officer, agent, collector, servant, or employee of the corporation who refuses or neglects to make any proper entry in any book of record, entry or account of the corporation, or to exhibit the same, or to allow the same to be inspected or audited, either for the general purposes of the corporation, or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence. R.S.O., 1897, c. 205, s. 118 (5). *Amended.*

Effect of notice in *Gazette.*

**138.**—(1) A notice published in the *Ontario Gazette* over the name of the Registrar or Assistant Registrar shall, without further proof, be *prima facie* evidence of the facts set forth in such published notice.

Official publications to be evidence.

(2) All copies of returns, reports or other official publications of the Registrar purporting to be printed by the King's Printer, or to be printed by order of the Assembly, shall, without further proof, be admitted as evidence of such publication and printing, and as true copies of the originals.

Certificate as to facts.

(3) A certificate under the hand of the Registrar or Assistant Registrar and the Registrar's seal of office, that on a stated day the corporation mentioned therein was or was not registered, or that the registry of any corporation was originally granted, or was renewed, suspended, revived or cancelled,

on

on a stated day, shall be *prima facie* evidence of the facts stated in the certificate.

Copies of or extracts from official documents

(4) Copies of, or extracts from, any book, record, instrument or document in the office of the Registrar or of or from any official instrument or document issued under this Act shall, if certified by him or by the Assistant-Registrar to be true copies or extracts and sealed with the Registrar's seal of office, be held as authentic, and shall be *prima facie* evidence of the same legal effect as the original. 63 Vic., c. 27, s. 14. *Part.*

Certain books required by law to be evidence of facts stated.

**139.**—(1) In any action or proceeding against a corporation, the books mentioned in section 100 shall be *prima facie* evidence of the facts purported to be thereby stated. R.S.O., 1897, c. 205, s. 89 (3).

Books to be prima facie evidence as against corporation and shareholders.

(2) The books of a corporation shall be *prima facie* evidence of the truth of all matters purporting to be therein recorded as between the corporation and its shareholders, and as between its shareholders. (*See* 63 Vic., c. 27, s. 14 (14), *part. Amended.*

**FEES.**

Fees for incorporation.

**140.**—(1) Until otherwise prescribed by the Lieutenant-Governor in Council, the fees for Letters Patent of incorporation under this Act shall be as mentioned in Schedule A.

Other fees.

(2) Until otherwise prescribed by the Lieutenant-Governor in Council, the fees set out in Schedule B. shall be payable in respect of the matters therein mentioned.

Payment to Registrar.

(3) The fees shall be payable to the Registrar.

Commutation on proposed discontinuance of business.

(4) Where a corporation proves to the satisfaction of the Registrar that it is discontinuing business in Ontario, and has given such public notice of intended discontinuance as shall be required, the fee for registry, or renewal of registry, as the case may be, may, on the certificate of the Registrar, be commuted to one-fourth of the prescribed fee; but registry at such commuted fee shall not be granted for more than four years in all, unless for cause shown to the satisfaction of the Registrar, in which case registry may be granted year by year for an additional number of years. (See R.S.O., 1897, c. 205, s. 120; 1 Edw. VII., c. 12, s. 18; 5 Edw. VII., c. 13, s. 17; 8 Edw. VII., c. 33, s. 46.) *Amended.*

Time of payment.

**141**. In the case of an application or other document or instrument to be filed, examined or deposited, the fee shall be paid before the application or other document or instrument is dealt with; in the case of registry or certificates of registry the fee shall be paid before the corporation is registered. R.S.O., 1897, c. 205, s. 121.

Certain sections of 2 Geo. V. c. 31, to apply.

**142**. Except where the provisions of this Act are inconsistent with them, sections 27, 47, 52, 53, 54, 57, 58, 59, 71, 73, 93 and 96 and Part XIII. of *The Ontario Companies Act* shall apply, substituting for the words "Provincial Secretary," in section 93 and Part XIII., the word "Registrar."

REPEALING CLAUSE.

Saving as to law applicable to terminating shares.

**143**.—(1) The law of Ontario, which at the passing of this Act was in force and applied to corporations having terminating or withdrawable stock or shares, shall continue in force and shall apply to such corporations so long as such stock or shares subsist.

Repeal.

(2) Subject to subsection 1, the following Acts and parts of Acts are repealed.

Rev. Stat., c. 205.

*The Loan Corporations Act*, chapter 205 of The Revised Statutes of Ontario, 1897.

62 V. (2), c. 22.

*An Act to amend the Loan Corporations Act* passed at the second session held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 22.

63 V., c. 27.

*An Act to amend The Loan Corporations Act* passed in the 63rd year of the said reign, chaptered 27.

1 Edw. VII., c. 12, s. 18.

Section 18 of *An Act to amend the Statute Law* passed in the 1st year of the reign of His late Majesty King Edward VII., chaptered 12.

3 Edw. VII., c. 16.

*An Act to amend The Loan Corporations Act* passed in the 3rd year of the said reign, chaptered 16.

4 Edw. VII., c. 17.

*An Act to amend The Loan Corporations Act* passed in the 4th year of the said reign, chaptered 17.

5 Edw. VII., c. 13, s. 17.

Section 17 of *The Statute Law Amendment Act, 1905*, passed in the 5th year of the said reign, chaptered 13.

5 Edw. VII., c. 19.

*An Act to amend The Loan Corporations Act* passed in the said year, chaptered 19.

6 Edw. VII., c. 19, s. 29.

Section 29 of *The Statute Law Amendment Act, 1906*, passed in the 6th year of the said reign, chaptered 19.

8 Edw. VII., c. 33, s. 46.

Section 46 of *The Statute Law Amendment Act, 1908*, passed in the 8th year of the said reign, chaptered 33.

10 Edw. VII., c. 26, s. 17.

Section 17 of *The Statute Law Amendment Act* passed in the 10th year of the said reign, chaptered 26.

SCHEDULE

SCHEDULE "A."

Fee for Letters Patent of Incorporation issued under this Act, where the proposed capital stock is:

| | | |
|---|---|---|
| (*a*) | $1,000,000 or upwards | $250 00 |
| (*b*) | 500,000, but less than $1,000,000 | 200 00 |
| (*c*) | 300,000, but less than $500,000 | 150 00 |
| (*d*) | Supplementary Letters Patent unless the capital stock of the Company is thereby increased, in which case the fee shall be payable upon the amount of the increase under the above scale (*a*) (*b*) (*c*), the minimum fee being $150.00. | 25 00 |

SCHEDULE "B."

| | | |
|---|---|---|
| 1. | Application for initial registry (s. 118) | $5 00 |
| 2. | Extension of time for making application, or for delivering any document required by this Act | 2 00 |
| 3. | Filing power of attorney in case of corporations mentioned in section 119 | 5 00 |
| 4. | Filing new power or change of attorney (s. 119) | 5 00 |
| 5. | Certificate of initial or renewed registry (s. 120): | |
| | (*a*) Where the assets of the corporation amount to not more than $250,000 | 25 00 |
| | (*b*) Where the assets of the corporation exceed $250,000, but do not exceed $500,000 | 50 00 |
| | (*c*) Where the assets of the corporation exceed $500,000, but do not exceed $1,000,000 | 75 00 |
| | (*d*) Where the assets of the corporation exceed $1,000,000, but do not exceed $1,500,000 | 100 00 |
| | (*e*) Where the assets of the corporation exceed $1,500,000, but do not exceed $2,000,000 | 125 00 |
| | (*f*) Where the assets of the corporation exceed $2,000,000, but do not exceed $2,500,000 | 150 00 |
| | (*g*) Where the assets of the corporation exceed $2,500,000, but do not exceed $3,000,000 | 175 00 |
| | (*h*) Where the assets of the corporation exceed $3,000,000, but do not exceed $5,000,000 | 200 00 |
| | (*i*) Where the assets of the corporation exceed $5,000,000, but do not exceed $10,000,000 | 250 00 |
| | (*j*) Where the assets of the corporation exceed $10,000,000 | 300 00 |

For purposes of this article capital stock uncalled shall not be deemed an asset.

The fee for a certificate of registry covering a period of not more than six months shall be one-half of the above amounts respectively.

| | |
|---|---|
| 6. Interim certificate of registry or extension of certificate (s. 120) | $5 00 |
| 7. Revivor of registry after suspension (s. 120): | |
| For a corporation within Article 5 (*a*) of this section. | $10 00 |
| For a corporation within Article 5 (*b*) of this section. | 15 00 |
| For a corporation within Article 5 (*c*) of this section. | 20 00 |
| For a corporation within Article 5 (*d*) of this section. | 25 00 |
| For a corporation within Article 5 (*e*) of this section. | 30 00 |
| 8. Change of corporate name (s. 121) | 10 00 |
| 9. Change of Head Office (s. 121) | 10 00 |
| 10. Filing annual statement (s. 110) | 5 00 |
| 11. Filing new by-laws or amendments thereto after initial registry (s. 79) | 2 00 |
| 12. Application for increase, decrease, conversion or alteration of capital stock or shares, or declaration or alteration of powers | 10 00 |
| 13. Certificate of increase, decrease, conversion or alteration of capital stock or shares, or declaration or alteration of powers | 100 00 |
| 14. Copy of decision of Registrar, per folio of 100 words.. | 10 |
| Also for certificate of Registrar | 1 00 |
| 15. Certified copy of entry on register or of certificate | 1 00 |
| 16. Copies of, or extracts from, documents filed with Registrar, per folio of 100 words | 10 |
| Also for certificate of Registrar | 1 00 |
| 17. Examining and passing upon applications or documents under sections 50 to 59. | 25 00 |
| Order-in-Council and Certificate | 100 00 |
| 18. Examining and passing upon applications or documents under 1 Geo. V., c. 26, s. 28. | 25 00 |
| Order-in-Council | 100 00 |

CHAPTER

# CHAPTER 35.

## An Act to amend The Ontario Railway Act, 1906.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Ontario Railway Amendment Act, 1912.*

Interpretation.

**2.** In this Act,

"Board."

(*a*) "Board" shall mean The Ontario Railway and Municipal Board;

"Corporation."

(*b*) "Corporation" and "corporations" shall include a municipal corporation.

Contiguous lines in city, interchange of traffic.

**3.** Where two or more electric street railway systems owned or operated by different corporations lie contiguous to one another, it shall be the duty of each corporation to afford to the other or others all reasonable facilities for the interchange of traffic and running rights over its lines.

Board to act on failure to agree.

**4.** If the corporations are unable to agree as to the nature or extent of the facilities and running rights to be afforded to one another or as to the terms and conditions upon which they shall be exercised, the matter shall be determined by the Board, and it shall be the duty of each corporation to conform with and obey any order of the Board made in the premises.

Powers of Board.

**5.** The Board shall have jurisdiction and authority to require each of the corporations to give to the other such reasonable facilities for the interchange of traffic and running rights over its system or any part of it as the Board shall deem to be in the public interest and on such terms and conditions as the Board may deem just.

Varying order.

**6.** The Board may from time to time vary the terms of any order made under either of the next preceding sections, as it may deem just.

Where railway constructed in part or not begun.

**7.** The powers conferred on the Board may be exercised in respect of an electric street railway system which a corporation has authority to construct, the location and plans of which have been approved by the Board, notwithstanding that no part or that part only of the system has been constructed, and such powers may also be exercised notwithstanding that a corporation has the exclusive right to build and operate surface railways within the municipality or any part of it.

Commencement of Act.

**8.** This Act shall not come into force until a day to be named by the Lieutenant-Governor by Proclamation.

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# CHAPTER 36.

## An Act respecting Land Grants to Railways.

*Assented to 16th April, 1912.*

Preamble. WHEREAS the construction of a Railway by the Lake Huron, Ottawa and Quebec Junction Railway Company and other Railway Companies was authorized by the Act passed by the Parliament of Canada in the nineteenth and twentieth years of the Reign of her late Majesty, Queen Victoria, chaptered 112, intituled *"An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec"*;

And whereas by an Act passed in the twenty-fourth year of the Reign of her late Majesty Queen Victoria, chaptered 80, intituled *"An Act to incorporate the Canada Central Railway Company and to amend the Act intituled An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec,"* the said Canada Central Railway Company and other Railway Companies named in the said last-mentioned Act were given the rights, powers and privileges therein set forth;

And whereas by the said Act, 19 and 20 Victoria, chapter 112, four million acres of ungranted lands of the Crown were set apart, or purported to be set apart, to aid and encourage the construction of a Railway from the River Ottawa to Lake Huron, so that such Railway might open up for settlement a tract of land unimproved and waste at the date of the passing of the above mentioned Acts; and whereas with the exception of the section of Railway constructed by the Canada Central Railway Company prior to the year 1870, between Carleton Junction and Ottawa, and in respect of which full and satisfactory settlement was made by the Province of Ontario, none of the said Railway Companies for whom said lands were purported to be so set apart, notwithstanding the lapse of upwards of fifty years since said Acts were passed, have constructed the line or lines of Railway authorized to be constructed by them so as to entitle said Companies or any of

them

them to the said lands so set apart, or any portion thereof; and whereas since the passing of the above-mentioned Acts other lines of Railway have been built and for many years past have been and are now in operation within the territory intended to be served by the Railways authorized to be constructed under the Acts above mentioned or referred to, and the said territory is now no longer unimproved and waste; and whereas, owing to the failure of the Companies mentioned and referred to in the said Acts of 19 and 20 Victoria, Chapter 112, and 24 Victoria, Chapter 80, to construct the lines of Railway referred to in said Acts, and their virtual abandonment of the construction of the lines of railway intended to be aided and encouraged by said Acts, the Provinces of Ontario and Quebec and the Dominion of Canada several years ago made large contributions in aid of the construction of certain of the lines of Railway referred to in the next preceding paragraph hereof, which lines are now in full operation and have opened up for settlement the territory referred to in said Acts.

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Land grant cancelled.

**1.** No person or company shall be entitled to or receive a grant of any land situate within the Province of Ontario, or of any right, title, or interest therein, out of any lands set apart or purported to be set apart or reserved by any Act or Acts of the Parliament of the late Province of Canada or amendments thereof for the purpose of aiding or encouraging the construction of a Railway or Railways.

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## CHAPTER 37.

### An Act to amend The Ontario Railway and Municipal Board Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows—

6 Edw. VII. c. 31, s. 15 (2), amended.

**1.** Subsection 2 of section 15 of *The Ontario Railway and Municipal Board Act, 1906,* is amended by striking out the words "The Board may at will dismiss any such employee," and substituting therefor the words, "The Board may, with the approval of the Lieutenant-Governor in Council, dismiss any such employee," at the end of the said subsection.

6 Edw. VII., c. 31, s. 16, amended.

**2.** Section 16 of *The Ontario Railway and Municipal Board Act, 1906,* is amended by striking out the clause lettered "*a*" therein and inserting in lieu thereof the following:

Jurisdiction of Board as to complaints.

"(*a*) Complaining that the company or any person or municipal corporation has failed to do any act, matter or thing required to be done, by this Act, or the said Act, or the special Act, or by any regulation, order, or direction made thereunder by the Lieutenant-Governor in Council, the Board, or by any inspecting engineer, or by any agreement entered into by the company with any municipal corporation, or any stipulation, term or condition in any by-law of a municipal corporation, accepted or acted upon by the company or any person, or has done, or is doing, any act, matter or thing contrary to or in violation of this Act, or the said Act or the special Act, or any such regulation, order or direction, or any such agreement, or any such stipulation, term or condition in any such by-law."

**3.** *The Ontario Railway and Municipal Board Act* is amended by inserting the following as section 58*a*: 6 Edw. VII. c. 31 amended.

Power to regulate labour of street railway employees.

58*a* (1).—The Board may regulate the hours during which conductors and motormen employees of a street railway company may be required or permitted to work, but in no case shall an employee be permitted to work more than six days in a week or ten hours per day, and whenever practicable and reasonable, such ten hours work shall be performed within twelve consecutive hours.

Agreements not to affect power to regulate.

(2) The power conferred by subsection 1 may be exercised notwithstanding the provisions of any agreement between a municipal corporation and a railway company as to hours of labour.

Penalty.

(3) Every company which, and every director, superintendent, manager or officer of a company who contravenes the provisions of any order of the Board made under the authority of subsection 1 or contravenes any of the provisions of this Act, shall for each contravention incur a penalty of not less than $100 and not more than $250, recoverable under *The Ontario Summary Convictions Act.* 10 Edw. VII. c. 37.

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CHAPTER

# CHAPTER 38.

## An Act respecting Telephone Systems.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1**. This Act may be cited as *The Ontario Telephone Act.* 8 Edw. VII. c. 49, s. 1.

Interpretation.

**2**. In this Act,

"Board."

(*a*) "Board" shall mean the Ontario Railway and Municipal Board.

"Company."

(*b*) "Company" shall include a Company, Municipal Corporation, Association, partnership, individual or aggregation of individuals owning, controlling or operating or who may propose to own, control or operate a telephone system or line within Ontario. 10 Edw. VII. c. 84, s. 2, *part.*

"Initiating municipality."

(*c*) "Initiating municipality" shall mean a municipal corporation which has established a telephone system under any former Act or which may establish a telephone system under this Act.

"Maintenance."

(*d*) "Maintenance" shall include not only the cost of repair and maintenance, but also the cost of switchboard operation and the cost of labour and superintendence and management of the system, including the extensions. 8 Edw. VII. c. 49, s. 2, *part.*

"Special Act."

(*e*) "Special Act" shall mean and include any Act of this Legislature authorizing the construction of a telephone system or line, and with which this Act is incorporated, and letters patent incorporating

ating a telephone company; or supplementary letters patent relating to such a company issued under the authority of any Act of this Legislature. 10 Edw. VII. c. 84, s. 2, *part.*

(*f*) "Subscriber" shall mean and include every person who applies to connect his premises with a telephone system established under this or any former Act, and every person whose premises are so connected. 10 Edw. VII. c. 92, s. 1, *part.* "Subscriber."

(*g*) "System" shall mean a telephone system established under this or any former Act. 8 Edw. VII. c. 49, s. 2, *part.* "System."

(*h*) "The cost of establishing and maintaining any system or extension thereof," shall mean not only the cost of constructing, erecting and installing the original system, but also the cost of such improvement or strengthening of it, or any extension thereof, then in existence, as may be necessary or expedient by additional switchboard equipment, poles, cables, wires, cross-arms, insulators and other appliances, and such work or labour as may be deemed necessary or expedient by the Board or the initiating municipality to enable it to give the subscribers efficient telephone service. 10 Edw. VII. c. 92, s. 1, *part.* "Cost of establishing, etc., system."

(*i*) "Tolls and Toll" shall include any toll, rate, rental, or charge for the transmission of telephone messages or for the use of telephone instruments, or circuits, or for the supply of telephone service. 10 Edw. VII. c. 84, s. 2, *part.* "Tolls, Toll."

## PART I.

### GENERAL POWERS OF MUNICIPAL CORPORATIONS.

**3.**—(1) The corporation of every municipality may carry on the telephone business, and for the purposes of such business may construct, maintain and operate in, over, under, upon or across the highways, lanes, parks, squares and other public ways, passages and places in the municipality, or in, over, under, upon or across the land of any person therein an underground or overhead or partly underground and partly overhead telephone system, and do all things necessary or convenient for that purpose. 3 Edw. VII. c. 19, s. 570 (1), *part,* and s. 571, *part re-drafted.* 4 Edw. VII. c. 22, s. 22. Power to carry on telephone business.

(2)

Power to acquire or expropriate telephone systems.

(2) The corporation may also for the purpose of establishing and carrying on such business acquire by purchase or lease or may expropriate any telephone system in the municipality established under any former Act, or under Part II., and may improve and extend such system and maintain and operate it and any extension of it, and may for the purposes mentioned in this subsection exercise the like powers as are conferred by subsection 1. 8 Edw. VII. c. 33, s. 50, *re-drafted.*

General powers as to carrying on business.

**4**. The council of the corporation may pass by-laws and make rules and regulations for carrying on the business, including the fixing of the terms and conditions upon which telephone services will be provided for persons desiring the same, the amount to be paid for such services, and for any work or appliances that may be requisite for making connections with the buildings of such persons and the times when and the places where the charges therefor shall be payable. 3 Edw. VII. c. 19, s. 572, *part re-drafted.*

Collection of charges.

**5**. Such charges may be collected in like manner as taxes are collected and in default of payment the corporation may enter into or upon the building or premises in which any works or appliances for providing the service have been placed, for the purpose of removing and may remove the same, doing no unnecessary damage to the buildings or premises. 3 Edw. VII. c. 19, s. 570 (1), *part re-drafted.*

Application of 3 Edw. VII. c. 19.

**6**. Where any of the powers of expropriation conferred by this Part are exercised by a corporation, the provisions of *The Consolidated Municipal Act, 1903*, as to the expropriation of land under that Act and as to all matters consequent upon the passing of an expropriating by-law shall apply. *New.*

Limitations as to bringing action against corporation.

**7**. No action shall be brought against the corporation or any of its officers, agents or servants for anything done or omitted in the carrying on of such business or in the exercise of the powers under this Act after the lapse of six months after the time when the cause of action arose. 3 Edw. VII. c. 19, s. 573, *part re-drafted.*

Granting right to use streets

**8**.—(1) The council of every municipality may in the case of a county or a township with the approval of the Ontario Railway and Municipal Board, and in the case of any other municipality with the assent of the municipal electors pass by-laws for granting to a telephone company, upon such terms and conditions as may be deemed expedient the right to use any of the highways, squares, or lanes in the municipality for placing in, upon, over or under the poles, cables, ducts and other wires for the purpose of its business. *New, See* 9 Edw. VII. c. 75.

(2)

(2) In the case of a city, town or village, the right may be an exclusive right, limited to a period not exceeding five years at one time. 3 Edw. VII. c. 19, s. 331 (1), *part*. Exclusive right.

(3) A by-law passed under subsection 2, shall not prevent a council from granting to any person permission to use any of the highways, squares or lanes for the purpose of a private telephone line for the use of such person, his servants, clerks, or agents, or persons communicating with them. 3 Edw. VII. c. 19, s. 331 (2). *Redrafted*. Use of street for private telephone line.

*As to regulation of the erection and maintenance of telephone poles. See 3 Edw. VII. c. 19, s. 559 (4).*

## PART II.

### LOCAL MUNICIPAL TELEPHONE SYSTEMS.

**9**. A petition may be presented to the council of any local municipality praying for the establishment of a local telephone system by not less than 10 resident assessed landowners. 8 Edw. VII. c. 49, s. 3. Petition for system.

**10**. The petitioners in their original or in any supplementary petition shall set forth such particulars as the council may require, including a statement showing the location of the proposed system and the manner in which it is proposed that it shall be constructed and maintained. 8 Edw. VII. c. 49, s. 4. Particulars to be stated in petition.

**11**. The council may by by-law provide, at the expense of the subscribers and subject to such conditions as may be set forth in the by-law, for the establishment and maintenance of the system and for the extension thereof from time to time, upon the application of such persons as may desire to become subscribers. 8 Edw. VII. c. 49, s. 5. By-law for establishing system.

**12**. Every system established or extended under this Part or under any former Act and all works and property acquired, erected or used in connection therewith, shall be vested in the initiating municipality in trust for the benefit of the subscribers, and the initiating municipality shall be responsible for all the obligations of the system in connection with its establishment, extension and maintenance. 8 Edw. VII. c. 49, s. 6. System to be vested in corporation in trust for subscribers.

**13**. The council of the initiating municipality may, with the consent of the council of any adjoining municipality, from time to time, extend the system into such adjoining municipality. 8 Edw. VII. c. 49, s. 9. Works in another municipality.

Cost of construction and maintenance.

**14.** The cost of establishing and maintaining any system or any extension thereof under this Part or under any former Act shall be defrayed by the subscribers thereto in such proportion as they may agree upon among themselves, or, in default of agreement, or to the extent of any default in payment of the amount agreed upon, shall be defrayed by special rate to be levied upon the subscribers, or such of them as may be in default, and any such rate may be collected by action as an ordinary debt against the persons liable therefor or may be added to the collector's roll as taxes due from them, and may be collected in the same manner as other taxes. 8 Edw. VII. c. 49, s. 8.

Powers of corporation installing system.

**15.** All works done at any time under this Part shall be deemed to be works done by the initiating municipality, and in carrying out the same, and in the construction, management, maintenance, control and extension of any system established under this Part or under any former Act, the initiating municipality shall have and may exercise all or any of the powers conferred upon municipal corporations by Part I. 8 Edw. VII. c. 49, s. 7.

Connection with other systems.

**16.** The initiating municipality may enter into agreements for the connection of the system with any other telephone system owned or controlled by any individual or any company or by a municipal corporation, or may, with the consent of the subscribers, acquire by purchase or otherwise upon such terms as may be agreed upon, any existing telephone system operated in the municipality or any portion of the plant and appliances thereof. 8 Edw. VII. c. 49, s. 10.

Issuing debentures for cost of work.

**17.**—(1) Where the subscribers or a majority of them in the petition for the establishment or extension of the system pray that the payment of the cost of the work may be extended over a period not exceeding ten years, and that debentures of the initiating municipality may be issued to pay the cost of the work, the council of the initiating municipality in the by-law providing for such establishment or extension or in a subsequent by-law passed as provided by subsection 8, may provide for the issue of debentures payable within ten years from the date of the issue thereof and that the proceeds of such debentures shall be applied in payment of the cost of establishing or extending the system and for levying a special rate upon the property of the subscribers sufficient to discharge any debt so incurred in equal annual instalments of principal and interest. 8 Edw. VII. c. 49, s. 11 (1).

Serving persons not original subscribers.

(2) The council of the initiating municipality or the subscribers in general meeting assembled as provided by section

section 21 may by by-law, prescribe the terms on which persons who were not original subscribers may become subscribers and connect their premises with the system.

Issue of debentures for cost of extensions.

(3) The council may also by by-law authorize the issue of debentures, whether original or additional, to provide for the cost of any extension of the system, such debentures to be payable by annual instalments within ten years from the date of issue, and shall by any such by-law make provision for levying on the respective properties of subscribers with which connection is to be made, an annual sum sufficient to discharge the debentures and the interest thereon as the same fall due.

Assent of electors not required.

(4) The debentures shall be issued on the credit of the initiating municipality and it shall not be necessary that the by-law be submitted for the assent of the electors.

Certain provisions retroactive.

(5) Subsections 2, 3 and 4 shall be deemed to be declaratory of the law on and from the 14th day of April, 1908. 10 Edw. VII. c. 92, s. 2.

When system extends into another municipality.

(6) Where the system extends into another municipality, the clerk of the initiating municipality shall transmit a certified copy of the by-law to the clerk of any municipality in which the premises of a subscriber are situate, and the amount payable by each subscriber in each year shall be added to the taxes payable by him in that year upon the collector's roll and shall be collected in the same manner as other taxes, and when collected shall be paid over to the Treasurer of the initiating municipality. 8 Edw. VII. c. 49, s. 11 (2).

Deficiency in amount required to meet annual instalments of debt, how made up.

(7) If the amount collected from the subscribers is insufficient to meet any annual instalment of principal and interest, and the cost of maintenance, the deficiency shall be made up out of the general funds of the initiating municipality and shall constitute a debt due from the subscribers to the initiating municipality and be collected in the same manner as any other liability incurred on behalf of the subscribers under this Act. 8 Edw. VII. c. 49, s. 11 (3).

Agreement with bank for advances.

(8) The initating municipality may agree with any bank, person or body corporate for temporary advances and loans for meeting the cost of the work until the completion thereof, and may then pass the necessary by-law authorizing the issue of debentures, out of the proceeds of which the amount of the temporary loans and advances shall be paid as a first charge, but the by-law for the issue of debentures shall be passed not later than two years after the initiating municipality has enacted the by-law for the establishment or exten-

sion

sion of the system as the case may be and the debentures shall be issued within twelve months after the passing of the by-law. 10 Edw. VII. c. 92, s. 3, *part*.

Plans and specifications.

(9) The initiating municipality shall furnish to the Board plans and specifications of the proposed telephone system or lines, together with particulars of the cost of the works, the amounts to be levied against the subscribers for the repayment of principal and interest, or the instalments thereof, and such other information as the Board may require, and no debt shall be incurred for the construction of the works or the purchase of material to be used in their construction until the Board shall have approved such plans and specifications. *New*.

(10) The next preceding subsection shall apply to a municipal corporation proposing to establish a telephone system under the provisions of section 3. *New*.

Charges against subscribers to extensions.

**18**. If the share of the cost to each subscriber of the establishment of any extension is less than the share of the cost to each subscriber of the establishment of the original system, the initiating municipality may charge each subscriber for such extension the same annual amount, and for the like term of years, as was charged to each subscriber for the establishment of the original system, and the difference between such last-mentioned amount and the amount of the cost of the establishment of the extension, shall be applied by the initiating municipality towards the cost of the maintenance of the original system, and any extension thereof, and each subscriber for such extension shall pay such annual amount to the initiating municipality during such term of years. 10 Edw. VII. c. 92, s. 4.

System heretofore established.

**19**. Where a municipal corporation before the 14th day of April, 1908, incurred a debt in establishing or extending a system established under the Act passed in the 6th year of His late Majesty's reign, Chaptered 41, the council of the initiating municipality may by by-law provide for the issue of debentures for the payment of such debt; and any agreement heretofore entered into by the subscribers to such system to pay such debt shall be deemed sufficient authority for the passing of the by-law, if the by-law in all other respects complies with the provisions of section 17. 8 Edw. VII. c. 49, s. 12.

Establishment of exchanges

**20**. The initiating municipality may agree with any person for the establishment of the exchange or switchboard of a telephone system established under this Part in any suitable building owned or occupied by such person, and for the operation

operation by him of such exchange or switchboard, and may embody the terms of such agreement in the by-law for establishing or extending the system. 8 Edw. VII. c. 49, s. 13.

Board of commissioners.

**21.**—(1) Upon a petition of the majority of the subscribers the Council shall place the system under the supervision of a Board of three commissioners, who shall be responsible for the efficient construction, maintenance and operation of all plant and equipment comprising the system and all extensions thereof.

Election of Commissioners.

(2) The Commissioners shall be elected at a general meeting of the subscribers called for the purpose in such manner as the Council directs.

By-laws of subscribers.

(3) The subscribers in general meeting assembled may make by-laws not contrary to law or to this Act, to regulate:—

(*a*) The time and place at which the meetings of subscribers shall be held, the calling of meetings, and the procedure at such meetings;

(*b*) The term of service, manner of election, duties and remuneration of the commissioners;

(*c*) The management of the system.

Right of members of council to vote.

(4) The members of the council shall have the right to attend and vote at all meetings of the subscribers.

Control of, when system retained by Council.

(5) If the subscribers fail to petition the council as provided in subsection 1, the supervision of the system shall remain in the control of the council, which shall have authority to employ such persons as it may deem necessary for the efficient construction, maintenance and operation of the system, and to make all necessary expenditures in connection therewith.

Saving as to collection of rates by initiating municipality.

(6) Nothing in this section shall affect the rights of the initiating municipality in regard to the levying or collecting of any money which may from time to time be due to the initiating municipality from the subscribers for repayment of principal and interest or the cost of operation and maintenance as provided in this Act. 1 Geo. V. c. 55, s. 2.

Superintendence of works by Board.

**22**. The Ontario Railway and Municipal Board shall have authority to superintend the carrying out of this Part, and advise any municipal corporation or resident assessed landowners in the establishment or operation of any works authorized by this Act and the proceedings necessary thereto. 8 Edw. VII. c. 49, s. 15; 1 Geo. V. c. 55, s. 1.

PART

## PART III.

### TELEPHONE COMPANIES AND SYSTEMS.

Powers of Board

**23**. The Board shall have jurisdiction to enquire into, hear and determine any application by or on behalf of any person interested,

(*a*) Complaining that any Company has failed to do any act, matter or thing required by *The Ontario Railway Act, 1906*, this Act, any general or special Act, or by any regulation, order or direction made thereunder by the Lieutenant-Governor in Council, the Board, or any other authority, to be done by the company, or that any company has done or is doing anything contrary to or in violation of such Acts or any of them or any such regulation, order or direction. 10 Edw. VII. c. 84, s. 3, *part.*

(*b*) Complaining that any company is charging tolls in excess of those approved by the Board. *New.*

(*c*) Requesting the Board to make any order, or give any direction, sanction or approval which by law it is authorized to make or give. 10 Edw. VII. c. 84, s. 3, *part.*

Power of Board to compel performance of duties.

**24**. The Board may order or require any company to do forthwith or within or at any specified time, and in any manner prescribed by the Board, so far as it is not inconsistent with the Acts hereinbefore mentioned, or any of them, or this Act, or the Special Act, anything which such company is or may be required or authorized to do thereunder, and may forbid the doing or continuing of any thing, which is contrary thereto. 10 Edw. VII. c. 84, s. 4, *part.*

General powers of Board.

**25**. For the purposes of this Act the Board shall have full jurisdiction to hear and determine all matters of law or of fact. 10 Edw. VII. c. 84, s. 4, *part.*

Standard conditions and specifications for construction, etc.

**26**.—(1) The Board may prescribe standard conditions and specifications for the construction and equipment of all telephone systems, and may make such orders for the maintenance thereof as the Board shall from time to time determine to be necessary or desirable, but such standard conditions or specifications shall not apply to the existing plant or equipment of a telephone system in course of construction, or operated by any company prior to the 30th day of June,

1911, but only to the renewal or replacement thereof whenever such renewal or replacement may, in the opinion of the Board, become necessary as a result of depreciation or obsolescence.

What Board to take into consideration.

(2) In prescribing such conditions and specifications the Board shall take into consideration only such standards as in general practice may have been found necessary for the protection of life and property and for the provision of an efficient service to the public without regard to any particular type of equipment or apparatus. 1 Geo. V. c. 55, s. 1.

Assistance to applicants.

(3) The Board, whenever in its judgment it appears that such a procedure is desirable or necessary in the public interest, may render to any company requesting the same, such advisory, supervisory, or other assistance respecting the construction, management and operation of telephone systems, as the Board may deem advisable, and may fix the terms and conditions under which any such assistance shall be given. 1 Geo. V. c. 55, s. 1.

Examination of and report upon existing systems.

(4) The Board whenever in its judgment it appears that it is desirable or necessary for the purpose of carrying into effect any of the provisions of this Act, may appoint or direct any person to examine and report upon the construction, operation or management of any telephone system and for that purpose such person shall have authority at all reasonable hours to enter any building, office, or other premises belonging to or connected with any such system and to examine and check all books, accounts, tariffs, rates, balance sheets and other papers, records and documents relating to any such system and to examine the switchboards, instruments, toll stations and all other property of whatsoever nature which belongs to or forms a part of such system. 1 Geo. V. c. 55, s. 1.

Use of one lead of poles by two systems.

(5) Whenever the poles and wires of two or more telephone systems or lines are erected, or are proposed to be erected, upon or along the same highway and the pole leads of the systems or lines are or are proposed to be located parallel with each other, the Board whenever in its judgment it appears to be desirable or necessary and practicable, may for the purpose of avoiding the unnecessary duplication of pole leads upon or along the same portion of any highway, make such orders as it may deem expedient for the joint occupation by the wires or cables of two or more companies of the same lead of poles *New.*

Furnishing reports, etc.

**27.** Every company operating a telephone system shall on or before the first day of January in each year, or at such

other

other times as the Board may require, furnish to the Board, in such form as it shall prescribe, such statements, reports and returns respecting the cost, receipts, expenditure, operation, management and equipment of such system as the Board may deem desirable or necessary, and any company refusing or neglecting to furnish such statements, reports and returns when required by the Board, shall incur a penalty not exceeding $25, for each such act of refusal or neglect, and the same shall be recoverable under *The Ontario Summary Convictions Act*.. 1 Geo. V. c. 55, s. 1. *Redrafted.*

Interchange of service.

**28**. Notwithstanding anything in any Act contained, if in the opinion of the Board it becomes necessary or desirable for the purpose of effecting an interchange of service between two or more telephone systems or lines to erect poles or wires upon any road or highway of a village or township municipality beyond the limits of the municipality in which any of such telephone systems is located, the company operating such system shall have the right to erect such poles and wires along such road or highway upon such terms and conditions as may be agreed upon between the Council of the village or township municipality and the company, and if the Council and the company are unable to agree, then upon such terms and conditions as shall be prescribed by the Board. 1 Geo. V. c. 55, s. 1.

Terms.

Prohibition of sales or transfers of systems without consent of Lieutenant-Governor in Council

**29**. Notwithstanding anything in any Act contained, no company owning a telephone system or a controlling interest therein shall sell or transfer such system or controlling interest to, or amalgamate with, or enter into any agreement or arrangement which shall, in effect, transfer the ownership or control of such system or controlling interest to any company which has been declared to be a work for the general advantage of Canada or which is not within the Legislative jurisdiction of Ontario, until the Lieutenant-Governor in Council has approved such sale, transfer, amalgamation, agreement or arrangement. 1 Geo. V. c. 55, s. 1.

Orders and regulations of Board.

**30**.—(1) The Board may make orders and regulations with respect to anything which by any of the Acts hereinbefore mentioned, or by this Act, or the Special Act, is sanctioned or required to be done or is prohibited, and generally for carrying such Acts into effect.

Penalties.

(2) The Board may by regulation prescribe penalties when not prescribed by any of such Acts to which every company offending against any regulation made under this section shall be liable, but no such penalty shall exceed one hundred dollars.

(3) The imposition of any such penalty shall not affect any other liability which the company may have incurred. 10 Edw. VII. c. 84, s. 5.

Tolls.

**31.**—(1) Notwithstanding anything in any Act heretofore passed by this Legislature, all tolls to be charged by any company shall be subject to the approval of the Board.

(2) Every company shall file with the Board tariffs of tolls in such form, size, and style, and give any such information, particulars and details as the Board from time to time by general regulation or by regulation applicable to the particular case may prescribe, and no company shall charge any toll in respect of which there is default in such filing or which is disallowed by the Board. 10 Edw. VII. c. 84, s. 6.

Publication of tolls.

**32.** The Board may, by regulation, or otherwise, determine and prescribe the manner and form in which any tariff of tolls shall be published or kept open for public inspection. 10 Edw. VII. c. 84, s 7.

Agreements for connections, joint operation, etc.

**33.**—(1) Subject to the approval of the Board every company may enter into any agreement with any other company for the purpose of providing for connection, intercommunication, joint operation, reciprocal use, or transmission of business as between the respective systems controlled, owned or operated by such companies, and make such arrangements as shall be deemed advisable for the proper apportionment of expenditures and commissions, the division of receipts and profits, or such other adjustments as may be necessary under any such agreement. 10 Edw. VII. c. 84, s. 8.

Power of Board to order connections and construction of necessary works.

(2) Wherever the telephone systems or lines of two or more companies are situate in such proximity to one another as in the opinion of the Board to make it expedient in the public interest that they should be connected in order that there may be intercommunication between, or joint operation or reciprocal use of them, or that such systems or lines may be used jointly by such companies for the transmission of messages by means of or over such systems or lines, the Board, if either of such companies refuses to enter into an agreement with the other, under the authority of subsection 1, shall order that such connection be made, and shall determine and direct by whom, and in what manner any line or works necessary for the purpose of making such connection shall be constructed and maintained, and how the expenses incurred in constructing and maintaining them shall be borne, and shall direct that there shall be such intercom-

munication

munication between, and joint operation and reciprocal use of, and such transmission of messages over such systems or lines, including any such connecting line or works upon such terms and conditions as the Board may prescribe, and it shall be the duty of such companies to do all things necessary for the purpose of carrying into effect every such order or direction.

Determination to be question of fact.

(3) The determination of the Board in any such matter shall be deemed to be a determination of a question of fact.

Order of Board final.

(4) No order or direction of the Board made or given in the exercise of the powers conferred by subsection 2, shall be subject to appeal or be open to review, except by the Board.

Application of section. 8 Edw. VII. c. 49.

(5) This section shall apply to a telephone system or lines established under *The Local Municipal Telephone Act, 1908,* or under the Act repealed by that Act, or any Act repealed by this Act, and the council of the municipality by which such telephone system or lines were established shall have, for the purpose of constructing any connecting line or works, which the Board has directed to be constructed by it the like powers as are conferred upon the council of an initiating municipality by section 17, and such powers may be exercised without a petition from the subscribers. *New.*

Agreements to be approved of by Board.

**34**. Every agreement or arrangement between any company, and any other company having authority to construct or operate a telephone system or line, whether such authority is derived from this Legislature or otherwise, for the regulation and interchange of telephone messages or service passing to and from their respective systems and lines, or for the division or apportionment of tolls, or generally in relation to the management, working or operation of their respective systems, or of lines operated in connection with them or either of them, shall be subject to the approval of the Board, and shall be submitted to and approved by the Board before such agreement or arrangement shall have any force or effect. 10 Edw. VII. c. 84, s. 10.

Agreements restricting competition, etc.

**35**. No company shall enter into any agreement or arrangement with any other company having authority to construct or operate a telephone system, or line, whether such authority is derived from this Legislature or otherwise, which in the opinion of the Board has or may have the effect of increasing the cost of telephone service to the public or of restricting competition in the supply of such service until such agreement or arrangement has been submitted to and

approved

approved of by the Board as just and reasonable. 10 Edw. VII. c. 84, s. 11.

Telephone service to be furnished on request.

**36.** Notwithstanding anything in any Act contained, whenever any person makes application to any company for telephone service, such company shall furnish such telephone service upon such terms and conditions as may be directed by the Board. 10 Edw. VII. c. 84, s. 12.

Application of 6 Edw. VII. c. 31.

Power of Board to construe agreements

**37.** The provisions of *The Ontario Railway and Municipal Board Act, 1906,* with respect to the jurisdiction and powers of the Board, and as to practice and procedure shall apply *mutatis mutandis* to the exercise of the jurisdiction conferred on the Board by this Act, and the decision of the Board on any question of fact shall be final. 10 Edw. VII. c. 84, ss. 13 and 14.

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## PART IV.

Existing partnership or aggregation of individuals may become incorporated. 2 Geo. V. c. 31.

Powers and obligations.

**38.**—(1) Whenever an association, partnership or aggregation of individuals owning or operating a telephone system or line, by a vote of not less than three-fourths of its members decide to become incorporated under *The Ontario Companies Act,* they may do so and the proposed company shall be entitled and be bound to purchase the share or interest in such telephone system or line of any dissentient member, partner or individual and if the company and such dissentient member, partner or individual are unable to agree, as to the value of such share or interest, the same shall be determined by The Ontario Railway and Municipal Board.

Computing value of shares or interest.

(2) In computing the value of any such share or interest, there shall be included in addition to any sum contributed for the purposes of the association, partnership or aggregation of individuals, the value of any poles, wires and other equipment, including the cost of installation, for which such member, partner or individual has not already been reimbursed. *New.*

3 Edw. VII. c. 19, s. 331; 8 Edw. VII. c. 49; 10 Edw. VII cc. 84, 92; 1 Geo. V. c. 55, repealed.

**39.** Section 331 of *The Consolidated Municipal Act, 1903,* Chapter 49 of the Acts passed in the 8th year and Chapters 84 and 92 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh and Chapter 55 of the Acts passed in the 1st year of the reign of His Majesty King George the Fifth are repealed.

When Act to take effect.

**40.** This Act shall come into force on the First day of July, 1912. *New.*

## CHAPTER 39.

### An Act to amend The Guarantee Companies Securities Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII., c. 67, s. 6, amended.

**1.** Section 6 of *The Guarantee Companies Securities Act* is amended by striking out the words "sees fit and," in the fourth line, and all the words in the said section after the word "directs," in the fourth and fifth lines.

3 Edw. VII., c. 67, s. 8 repealed.

**2.** Section 8 of the said Act is repealed and the following substituted therefor:—

Order in Council approving guarantee company to be published in *Gazette* and laid before Assembly.

8. Every Order in Council approving of a Guarantee Company shall immediately after the making thereof be published in the *Ontario Gazette* and shall be laid forthwith before the Assembly, if in session, and if not then in session, then within the first fifteen days of the next session.

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## CHAPTER 40.

## The Municipal Amendment Act, 1912.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 173*a* of *The Consolidated Municipal Act, 1903*, as enacted by section 12 of *The Municipal Amendment Act, 1906*, is amended by striking out the words "in any city having 100,000 of a population or over." 3 Edw. VII., c. 19, s. 173a, amended. Distribution of cards, etc., on polling day.

**2.**—(1) Subsection 1 of section 324 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "the Judge," in the 2nd line, and substituting therefor the words "any Judge." 3 Edw. VII. c. 19, s. 324 (1), amended.

(2) Subsection 2 of the said section 324 is amended by striking out the words "of the County Court," in the 1st line. 3 Edw. VII., c. 19, s. 324 (2), amended.

**3.** Subsection 1 of section 354 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "payable," in the 19th line thereof, the words "or for at least twenty-one years." 3 Edw. VII., c. 19, s. 354 (1), amended. Term of lease of leaseholder voting on by-law.

**4.**—(1) Subsection 1 of section 366*a* of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:— 3 Edw. VII., c. 19, s. 366a (1), repealed.

> (1) To render valid a by-law for granting a bonus in aid of a manufacturing industry the assent of three-fourths of all the members of the council and of two-thirds of the ratepayers who actually vote on the by-law shall be necessary. Vote required for bonus by-laws.

(2) Subsection 4 of section 366*a* of *The Consolidated Municipal Act, 1903*, is repealed. 3 Edw. VII., c. 19, 366a (4) repealed.

3 Edw. VII. c. 19, s. 388, repealed.

**5.** Section 388 of *The Consolidated Municipal Act, 1903*, as amended by section 30 of chapter 19 and by section 31 of chapter 35 of the Acts passed in the sixth year of His late Majesty's reign, is repealed and the following substituted therefor:—

Power of county to borrow without assent of electors.

388.—(1) A county council may in any year borrow any sum or sums not exceeding in the whole $20,000 over and above what is required for its ordinary expenditure, and over and above any sum which the council is by this or any other Act expressly authorized to borrow without the assent of the electors.

(2) Subsection 1 shall be deemed to have been in force on and from the first day of January, 1911.

3 Edw. VII. c. 19, s. 402 (2) amended.

**6.** Subsection 2 of section 402 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "Municipality," in the 4th line thereof, the words "exclusive of school rates and local improvement rates," and by adding thereto the following proviso:—

Proviso.

Provided that any municipal council which has heretofore passed a by-law for borrowing money by the issue of debentures for any purpose within the jurisdiction of the council at a time when such aggregate rate exceeds two cents in the dollar, may, at any time within two years after the passing of such by-law, upon the aggregate annual rate being reduced sufficiently within the rate aforesaid, to admit of contracting the debt, borrow the money and issue the debentures authorized by the by-law, and the by-law shall be sufficient authority therefor.

3 Edw. VII. c. 19, amended.

**7.** *The Consolidated Municipal Act, 1903*, is amended by inserting the following as section 435*a*:—

Power to borrow to meet guarantee of debentures.

435*a*. Where a municipal corporation has heretofore guaranteed or shall hereafter guarantee the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest of the bonds or debentures by the person primarily liable therefor, the council of such corporation may agree with any bank or person for temporary advances to meet the amount of such default in any one year pending the collection of the amount of such default by a general rate on all the rateable property in the

municipality

municipality, or where the guarantee is by or on behalf of a section or portion of a township, by a special rate to be levied on all the rateable property in such section or portion.

**8.** Paragraph 5 of section 537 of *The Consolidated Municipal Act, 1903,* as amended by section 25 of *The Municipal Amendment Act, 1908,* is further amended by adding thereto the following words: "and such Engineer and his duly appointed assistants in the performance of their official duties shall have and enjoy all the rights, powers, privileges and immunities of a Surveyor under *The Surveys Act.*" 3 Edw. VII., c. 19, s. 537 (5), amended. 1 Geo. V. c. 42.

**9.** Section 541 of *The Consolidated Municipal Act, 1903,* is amended by adding thereto the following paragraph: 3 Edw. VII., c. 19, s. 541, amended.

4*a*. For charging fees for the inspection and approval of plans for the erection, alteration or repair of buildings, and for fixing the amount thereof. Fees for inspecting plans.

**10.** Section 541*a* of *The Consolidated Municipal Act, 1903*, as enacted by section 19 of *The Municipal Amendment Act, 1904,* is amended by adding, after clause (*b*), the following clauses:— 3 Edw. VII. c. 19, s. 541*a* amended.

(*c*) In the case of cities having a population of not less than 100,000 to prohibit, regulate and control the location on certain streets to be named in the by-law of apartment or tenement houses and of garages to be used for hire or gain. Location of apartment houses and garages.

(*d*) For the purposes of this section an apartment or tenement house shall mean a building proposed to be erected or altered for the purpose of providing three or more separate suites or sets of rooms for separate occupation by one or more persons.

**11.** Paragraph 1 of section 542 of *The Consolidated Municipal Act, 1903,* is amended by adding the following clause:— 3 Edw. VII. c. 19, s. 542, amended.

(*f*) For authorizing the pulling down or repairing or renewing, at the expense of the owner thereof, of any building, fence, scaffolding or erection, which, by reason of its ruinous or dilapidated state, faulty construction or otherwise, may be in an unsafe condition as regards danger from fire or other dangerous risk or accident. Pulling down buildings in ruinous state.

3 Edw. VII., c. 19, s. 569 (4), amended.

Debts contracted for street railways.

**12.** Subsection 5 of section 569 of the said Act is amended by adding at the end of the first paragraph thereof the following words: "Provided that any debt created under this section for the construction and maintenance of street railways in cities shall not be counted as part of the general debenture debt of the municipality."

3 Edw. VII., c. 19, s. 583 amended.

**13.** Section 583 of *The Consolidated Municipal Act, 1903,* is amended by inserting after clause 4 the following clause:—

Revoking license.

4*a*. For revoking and cancelling the license of any person convicted of a second offence against any By-law passed under the authority of the preceding clause 4.

3 Edw. VII., c. 19, s. 583, par. 6, amended. Power to regulate and license sign painters, etc.

**14.** Paragraph 6 of section 583 of *The Consolidated Municipal Act, 1903,* is amended by inserting after the words " bill posters," in the first line, the words " advertising sign painters, bulletin board painters, sign posters."

3 Edw. VII., c. 19, s. 590*a*, amended. Property of National Sanatorium Association exempt from taxation.

**15.** Subsection 4 of section 590*a* of *The Consolidated Municipal Act, 1903,* is amended by striking out the word " and," in the 1st line, and inserting after the figures " 13 " the word and figures " and 17."

3 Edw. VII., c. 19, s. 591, amended.

**16.** Section 591 of *The Consolidated Municipal Act, 1903,* is amended by adding thereto the following as paragraph 8*a*:—

Power to purchase bridges.

8*a*. For acquiring by purchase any bridge, with its approaches and appurtenances, any part of which is situate within the municipality and belonging to an incorporated bridge company, and for raising by the issue of debentures the money necessary to pay the purchase price of the same.

3 Edw. VII., c. 19, s. 596, amended. Annual appropriation for entertainment of distinguished guests and travelling expenses.

**17.** Section 596 of *The Consolidated Municipal Act, 1903,* is amended by striking out the figures " $5,000," in the 6th line thereof, and substituting therefor the figures " $10,000," and by striking out the figures "$1,000," in the 8th line, and substituting therefor the figures " $2,500."

**18.** Section 597 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection:— 3 Edw. VII., c. 19, s. 597, amended.

Expenditure by counties for publicity purposes.

(2) The council of a county for the purposes mentioned in subsection 1 and also for the purpose of diffusing information respecting the advantages of the county as an agricultural centre, may include in the annual estimates a sum not exceeding $3,000.

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CHAPTER

## CHAPTER 41.

# An Act respecting Municipal and School Debentures

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Method of issuing debentures.

**1.** Wherever a Municipal Corporation, Board of Public or Separate School Trustees, or Commission is authorized to raise money by borrowing upon, or by the sale of debentures, the debt to be so incurred and the debentures to be issued therefor may be made repayable in equal annual instalments of principal and interest, or in any other manner authorized by *The Consolidated Municipal Act of 1903,* in the case of debentures issued under that Act, notwithstanding that the Act authorizing the raising of money by the issue of debentures provides for the payment of the debt so incurred within a stated time and for the levying of an annual rate for the formation of a sinking fund to meet the debentures maturing, and to pay the interest falling due annually, or otherwise thereon.

Act retroactive.

**2.** This Act shall apply to any debt heretofore incurred, and to any debentures heretofore issued, and any by-law or resolution heretofore passed, authorizing the issue of debentures and providing for the payment of any debt so incurred in the manner provided by subsection 1, shall not be deemed invalid, or illegal, or be quashed, or set aside upon the ground that the Act under which the debentures were issued, provided for the raising of a sinking fund to meet the debentures at maturity, and for the levying of an annual rate for that purpose.

## CHAPTER 42.

## An Act respecting the Granting of Franchises by Municipal Councils.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Municipal Franchises Act.*

Interpretation.

**2.** In this Act

"Franchises."

(*a*) "Franchises" shall include any right or privilege to which this Act applies;

"Highway."

(*b*) "Highway" shall include a street and a lane;

"Public utility."

(*c*) "Public Utility" shall include waterworks, natural and other gas works, electric light, heat and power works, steam heating works, and distributing works of every kind.

Franchise not to be granted without assent of electors.

**3.**—(1) The Council of a municipality shall not grant to any individual, firm or company, nor shall any individual, firm or company acquire the right to use or occupy any of the highways of the municipality or to construct or operate any railway, street railway or public utility in the municipality, or to supply to the corporation, or to the inhabitants of the municipality, or to any of them, gas, including natural gas, electric light, heat or power or steam, unless or until a by-law setting forth the terms and conditions upon which and the period for which such right is to be granted, has been assented to by the municipal electors, as provided by *The Consolidated Municipal Act, 1903,* with respect to by-laws requiring the assent of the electors.

In police villages.

(2) Where the trustees of a police village request the council of the township in which the village is situate to grant any such right with respect to the village, or where the

the board of trustees of an incorporated police village desire to grant such a right it shall be a sufficient compliance with subsection 1 if the by-law receives the assent of the municipal electors of the village.

Renewals and extensions.

(3) This section shall apply to the renewal or extension of an existing franchise.

Extension of present works not to be made without by-law

**4.**—(1) Where a by-law granting a franchise or right in respect of any of the works or services mentioned in subsection 1 of section 3, which has not been assented to by the municipal electors as provided by that subsection has heretofore been passed, no extension of or addition to the works or services constructed, established or operated under the authority of such by-law as they exist and are in operation at the time of the passing of this Act shall be made except under the authority of a by-law hereafter passed with the assent of the municipal electors, as provided by subsection 1, or subsection 2 of section 3, and such consent shall be necessary notwithstanding that the by-law is expressly limited in its operation to a period not exceeding one year.

Exceptions as to franchises granted before 16th March, 1909.

(2) Subsection 1 shall not apply to any franchise or right granted by or under the authority of any general or special Act of this Legislature before the 16th day of March, 1909, but no such franchise or right shall be renewed, nor shall the term thereof be extended by a municipal corporation except by by-law passed with the assent of the municipal electors as provided in section 3.

Exceptions.

**5.** Except where otherwise expressly provided, this Act shall not apply to a by-law

Passing through municipality.

(*a*) Granting the right of passing through the municipality for the purpose of continuing a line, work or system which is intended to be operated in or for the benefit of another municipality and is not used or operated in the municipality for any other purpose except that of supplying natural gas or electric light or power in a township to persons whose land abuts on a highway along or across which the same is carried or conveyed.

Oil, natural gas and waterworks.

(*b*) Conferring the right to construct, use and operate works required for the transmission of oil, natural gas or water not intended for sale or use in the municipality.

Limited to one year.

(*c*) Which is expressly limited in its operation to a period not exceeding one year and is approved by the Ontario Railway and Municipal Board.

(*d*)

(*d*) Of a county or township which is approved by the Lieutenant-Governor in Council. Counties and townships.

**6.** Where a by-law to which clause (*c*) of section 5 applies is hereafter passed, that clause shall not apply to any subsequent by-law in respect to the same works or any part of them or to an extension of or addition to them, although such subsequent by-law is expressly limited in its operation to a period not exceeding one year, and no such subsequent by-law shall have any force or effect unless it is assented to by the municipal electors as provided by subsection 1 of section 3. Extensions of one-year franchise from year to year prohibited.

**7.** The Act passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 75, and the Act passed in the tenth year of the same reign, chaptered 87, are hereby repealed. 9 Edw. VII. c. 75, ; 10 Edw. VII. c. 87, repealed.

CHAPTER

# CHAPTER 43.

An Act respecting Surveys and Plans of Land in certain Cities and their Suburbs

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The City and Suburbs Plans Act.*

Plan of proposed survey and subdivision to be submitted to Ontario Railway and Municipal Board.

**2.** Where any person is desirous of surveying and subdividing into lots with a view to the registration of a plan of the survey and sub-division, any tract of land lying within or within five miles of a city, having a population of not less than 50,000, he shall submit a plan of the proposed survey and subdivision to "The Ontario Railway and Municipal Board" for its approval.

Board may require changes.

**3.**—(1) The Board shall have authority before approving of the proposed plan to require such changes to be made in it as the Board may deem proper as to:—

(*a*) The number and width of the roads or streets;

(*b*) The direction in which the roads and streets are to run and their location; and

(*c*) The size and form of the lots.

(2) Nothing in clause (*a*) shall authorize the laying out of any road or street, less than 66 feet in width.

What to be considered by Board in coming to its decision.

**4.** In determining as to the suitability of the proposed plan, or as to the desirability of any change in it, the Board where the land lies within the city shall have regard to making the subdivision and roads and streets and their location and width, and the direction in which they are to run, conform as far as practicable with any general plan which has been

been adopted or approved by the council of the city in accordance with which it is contemplated that the city and suburbs shall be laid out or the re-arrangement of the streets and thoroughfares shall be effected, and where the land is situate without the limits of the city, the Board shall have regard to

(*a*) The proximity of the land to the city;

(*b*) The probability of the limits of the city being extended so as to include it;

(*c*) The securing of driveways and adequate thoroughfares connecting the city and the outlying districts;

(*d*) Making the subdivision and the roads and streets and their location, and width, and the direction in which they are to run, conform as far as practicable with any plan so adopted or approved or if no such plan has been adopted or approved with the plan on which that part of the city which lies nearest to the land is laid out.

Approval of plan and certificate before sale.

**5**. No plan of any such land shall be registered unless it has been approved by the Board and a certificate of its approval, signed by the Chairman or a member of the Board or the Secretary is endorsed on the plan, and no lot laid down on a plan, not so approved shall be sold or conveyed by a description containing any reference to the lot as so laid down or to such plan.

Notice of application for approval of plan to be given.

**6**.—(1) Notice of an application to the Board for its approval of a plan, shall be given to the corporation of the municipality in which the land is situate and to the corporation of the city, and all parties interested shall be entitled to be heard, and may be represented by counsel at the hearing of the application.

(2) A copy of the plan shall accompany such notice.

Objections to plan.

**7**.—(1) Objections to the plan shall be stated in writing and be filed with the Secretary of the Board within 21 days after delivery of the notice and plan.

Where no objection made.

(2) If no objection is made within that period the applicant shall be entitled to have the plan certified as approved, unless the Board of its own motion shall have otherwise directed.

Sittings of the Board

8. Sittings of the Board shall, if required by the Council of the Municipality objecting to the plan, take place at such time and place in the City nearest to the land, as the Board, by notice to the applicant and to the Clerk of the Municipality requesting the same appoints.

Date when Act to take effect.

9. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

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## CHAPTER 44.

## An Act to amend The Local Improvement Sections of The Municipal Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 1 of *The Local Improvement Sections of the Municipal Act* is repealed and the following substituted therefor:— 1 Geo. V. c. 58, s. 1, amended.

1. This Act may be cited as *The Local Improvement Act.* Short title.

**2.** Section 3 of *The Local Improvement Sections of the Municipal Act,* is amended by adding thereto the following clause (*l*):— 1 Geo. V., c. 58, s. 3 amended.

(*l*) In the case of cities only constructing and erecting on petition only, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works which would otherwise be provided at the expense of the corporation at large. In the case of cities only.

**3.** Subsection 1 of section 9 of *The Local Improvement Sections of The Municipal Act* is amended by adding after the word "street," in the 8th line the words "or the extension of a system of waterworks."

**4.** Subsection 2 of section 9 of *The Local Improvement Sections of the Municipal Act* is repealed. 1 Geo. V. c. 58, s. 9 (2), repealed.

**5.** Clause (*c*) of subsection 4 of section 13 of *The Local Improvement Sections of the Municipal Act* is amended by striking out the words "within the municipality" in the first line thereof. 1 Geo. V. c. 58, s. 13 (4), amended.

1 Geo. V., c. 58, s. 49 (1), amended

**6**. Subsection 1 of section 49, of the said Act is amended by inserting after the word "lighting," in the third line thereof the following words: "light supplied in excess of that supplied at the expense of the corporation at large."

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CHAPTER

## CHAPTER 45.

# An Act respecting Municipal Electric Light and Power Works.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Where a corporation contracts with the Hydro-Electric Power Commission, control to be vested in commissioners.

**1.** In a city or town the corporation of which has entered into a contract with the Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy, the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy, shall be vested in a commission to be elected in the manner provided by *The Municipal Waterworks Act,* and the amendments thereto, or as may have been or may hereafter be provided by any special Act; but in a city or town for which no commissioners have heretofore been elected or appointed, this section shall not take effect until the 1st day of May, 1913.

Rev. Stat. c. 235.

Or in a Board of Control.

**2.** In a city or town for which no commissioners have been elected or appointed, but for which there is a Board of Control elected under *The Consolidated Municipal Act, 1903,* or under a special Act, the Board of Control shall have the control and management of the construction, operation and maintenance of such works until commissioners are elected or appointed as provided by section 1.

3 Edw. VII. c. 19.

What powers may be exercised by such Commission or Board.

Rev. Stat. cc. 235, 236.

**3.** The Board of Control or the Commissioners, as the case may be, shall have and may exercise the like duties and powers with respect to the works under their control and management as are conferred upon commissioners under *The Municipal Waterworks Act* and *The Municipal Light and Heat Act*.

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CHAPTER

# CHAPTER 46.

## An Act to provide for the Establishment and Maintenance of Public Parks.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
ESTABLISHMENT OF PARKS, s. 2.
PARKS TO BE OPEN TO PUBLIC, s. 3.
BOARD OF MANAGEMENT, ss. 4-17.
Constitution of Board, s. 5.
Tenure of office, s. 6.
Expenses, s. 7 (1).
Members not to be interested in contracts, s. 7 (2).
Employment of clerks and servants, s. 8.
Books and accounts, ss. 9, 10.
By-laws, s. 11.
GRANTS TO MUNICIPALITY FOR PARK PURPOSES, s. 12.
Acquiring land, ss. 13-16.
YEARLY ESTIMATES, s. 17 (1, 2).
SPECIAL RATE, s. 17 (3).
ISSUE OF DEBENTURES, s. 17 (4-10).
PROHIBITIONS AND PENALTIES, s. 18.
PRESERVATION OF ORDER, s. 19.
PROTECTION AND POWERS OF OFFICERS, s. 20.
REPEAL, s. 21.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Public Parks Act.* R.S.O. 1897, c. 233, s. 1. Short title.

**2.**—(1) A park, or a system of parks, avenues, boulevards and drives, or any of them, may be established in any municipality, and the same, as well as existing parks and avenues, may be controlled and managed in the manner hereinafter provided. Establishment of parks.

(2) Subject to the provisions of subsection 5, if a petition is presented to the council of any county or city signed by not less than 500 electors, or to the council of any town or township signed by not less than 200 electors, or to the council of any village signed by not less than 75 electors, praying for the adoption of this Act, the council may pass a Petition.

by-law

by-law, giving effect to the petition, with the assent of the electors qualified to vote at municipal elections, given before the final passing of the by-law as provided by *The Consolidated Municipal Act, 1903.*

3 Edw. VII. c. 19.

Assent of Electors.

(3) If the majority of the votes is in favour of the by-law, it shall be finally passed by the council at its next regular meeting held after the taking of the vote, or as soon thereafter as may be.

When vote adverse by-law not to be submitted in same year.

(4) If the vote is adverse, no by-law for the same purpose shall afterwards be submitted to the electors, within the same year.

Submission to electors not necessary when final reading approved by three-fifths of members.

(5) It shall not be necessary for a county council to submit the by-law for the assent of the electors, if the by-law on the final reading thereof is approved by three-fifths of the members of the council then present. R.S.O. 1897, c. 233, s. 2. *Amended.*

Parks to be open to public.

**3.** The parks, avenues, boulevards, and drives, and approaches thereto, and streets connecting the same, shall be open to the public free of all charge, subject to the by-laws, rules and regulations of the Board of Park Management, and subject also to the provisions of section 13. R.S.O. 1897, c. 233, s. 3.

Parks to be under control of Board of Park Management.

**4.**—(1) In case of the adoption of this Act, the general management, regulation and control of all existing parks and avenues, and of all properties both real and personal, applicable to the maintenance of parks belonging to the municipality, and of all parks, avenues, boulevards and drives which may thereafter be acquired and established under the provisions of this Act, shall be vested in and exercised by a board, to be called The Board of Park Management.

Authority of Board, to what streets applicable.

(2) The authority of the Board shall not extend to any streets open at the time of the adoption of the Act, with the exception of streets expressly specified in the by-law adopting the Act, or which at any time, or from time to time afterwards, in pursuance of an agreement between the council and the Board, the council by by-law declares to be subject to this Act.

Consent of Municipal Council and Agricultural Society.

(3) Nothing in this Act shall authorize the Board to assume possession or control of any exhibition park in or belonging to the municipality, without the consent of both the municipal council and of any district agricultural society or exhibition association, having an interest therein. R.S.O. 1897, c. 233, s. 4.

Constitution of Board.

**5.** The Board shall be a corporation, and shall be composed of the head of the municipality and of six other persons, who shall be residents of the municipality, but not members of the council, and shall be appointed by the council on the nomination of the head, but the council may refuse to appoint any or all of the persons so nominated, in which case further nominations shall be made by the head, until six persons are nominated who are approved by the council. R.S.O. 1897, c. 233, s. 5; 4 Edw. VII. c. 10, s. 57.

Tenure of office.

**6.**—(1) The appointed members of the Board shall hold office for three years, except in the case of the members of the first board, two of whom shall hold office until the 1st day of February in the year following the first appointments, two for one year, and two for two years, from that day; such members retiring in rotation, two each year, the order of such retirement to be determined by lot among themselves at their first meeting; but every member of the Board shall continue in office until his successor is appointed, and shall be eligible for reappointment.

Vacancies.

(2) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term, and until his successor is appointed.

Term of office of appointed members.

(3) Save as aforesaid, each of the appointed members shall hold office for three years from the 1st day of February in the year in which he is appointed.

First appointments.

(4) The first appointment of members of the Board shall be made at the first regular meeting of the council held after the final passing of the by-law.

Subsequent appointments.

(5) Thereafter the appointments shall be made annually at the first meeting of the council held after its organization; and any vacancy arising from any cause other than the expiration of the time for which the member was appointed, shall be filled at the first meeting of the council held after the occurrence of the vacancy.

Organization of Board.

(6) The first members of the Board, within ten days after their appointment, and on such day and hour as the head of the municipality shall appoint (notice of the appointment, in writing, signed by him having been duly sent to the address of each member at least one week before the day and hour named therein), shall meet at the office of the head, for the purpose of organization, shall elect one of their

number

number chairman, and shall appoint a secretary, who may be one of their own number.

When appointments not made at required time.

(7) If for any reason appointments are not made at the prescribed time, the same shall be made as soon as may be thereafter.

Tenure of office of chairman and secretary.

(8) The chairman and secretary shall hold office at the pleasure of the Board, or for such period as the Board may prescribe.

Chairman and secretary *pro tem.*

(9) When the chairman or secretary is absent, or unable to act, the Board may appoint a chairman or secretary *pro tempore*.

Monthly meeting.

(10) The Board shall meet at least once in every month.

Calling special meeting.

(11) The chairman or any two members may summon a special meeting of the Board, by giving at least two days' notice in writing, to each member, specifying the purpose for which the meeting is called.

Vacating office by absence.

(12) The office of a member who is absent from the meetings of the Board for three consecutive months, without leave of absence from the Board, or without reasons satisfactory to the Board, shall be declared vacant by the Board, and notice thereof shall be given to the council at its next meeting.

Quorum.

(13) No business shall be transacted at any special or general meeting, unless at least four members are present.

Books to be kept.

(14) All orders and proceedings of the Board shall be entered in books to be kept for that purpose, and shall be signed by the chairman for the time being, and when so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and the books may be produced and read in any judicial proceeding as evidence of the orders and proceedings. R.S.O. 1897, c. 233, s. 6.

Payment of expenses of Board.

7.—(1) The members of the Board shall serve without compensation, but each member shall be entitled to receive his actual disbursements for expenses in visiting or superintending the park or park property, where the visit or service is made or rendered by direction of the Board.

Members of the Board or of the Council not to be interested in any contract.

(2) No member of the Board, or of the municipality, shall have any contract with the Board, or be pecuniarily

interested

interested, directly or indirectly, in any contract or work relating to the park or park property. R.S.O. 1897, c. 233, s. 7.

Board may employ clerks, etc.

**8.** The Board may employ all necessary clerks, agents and servants, and may prescribe their duties and compensation. R.S.O. 1897, c. 233, s. 8.

Books, etc., to be kept in the office of the Board.

**9.** The Board shall keep in its office all books, maps, plans, papers and documents used in and pertaining to the business of the Board, and the same shall be open to the examination of the members of the council, and of any other person appointed for that purpose by the council. R.S.O. 1897, c. 233, s. 9.

Board to keep regular accounts.

**10.** The Board shall keep accounts of its receipts, payments, credits, and liabilities; and the same shall be audited by the auditors of the municipality in like manner as other accounts of the municipality, and shall thereafter be laid before the council by the Board. R.S.O. 1897, c. 233, s. 10.

Power to make by-laws, etc.

**11.**—(1) The Board may pass by-laws for the use, regulation, protection and government of the parks, avenues, boulevards and drives, the approaches thereto, and streets connecting the same, not inconsistent with the provisions of this Act or of any law of the Province.

Consent of Board necessary for exercise of certain powers.

6 Edw. VII. c. 30.

No railway to enter park.

(2) The powers conferred upon municipal councils by *The Ontario Railway Act, 1906,* so far as relates to any streets or approaches under the control of the Board, shall not be exercised without the consent of the Board, and no street railway or other railway shall enter upon or pass through the park.

Licensing of cabs and vehicles and sale of refreshments.

(3) The Board shall have power to license cabs and other vehicles for use in a park; and to let from year to year, or for any time not exceeding ten years, the right to sell refreshments, other than spirituous, fermented or intoxicating liquors, within the park, under such regulations as the Board shall prescribe.

Penalties.

(4) The Board shall have power in and by their by-laws to attach penalties for the infraction thereof; and such by-laws may be enforced and the penalties thereunder recovered in like manner as by-laws of municipal councils and the penalties thereunder may be enforced and recovered.

By-laws, authentication of.

(5) The by-laws shall be sufficiently authenticated by being signed by the chairman of the Board; and a copy of

any

any by-law, written or printed, and certified to be a true copy by any member of the Board, shall be receivable as evidence, without proof of any such signature. R.S.O. 1897, c. 233, s. 11.

Property may be granted, etc., to municipality for park purposes

**12**. Real and personal property may be devised, bequeathed, granted, conveyed, or given to the municipal corporation for the establishment or formation of a park, or for the purpose of the improvement or ornamentation of any park of the municipality, and of the avenues, boulevards and drives and approaches thereto, and of the streets connecting therewith; and for the establishment and maintenance on park property of museums, zoological or other gardens, natural history collections, observatories, monuments, or works of art, upon such trusts and conditions as may be prescribed by the donor. R.S.O. 1897, c. 233, s. 12.

Power to acquire land.

**13**.—(1) The Board may acquire, by purchase, lease, or otherwise, the lands, rights and privileges required for park purposes under this Act.

Area allowable.

(2) Lands so acquired, together with those the general management, regulation and control of which are vested in the Board under the provisions of section 4 of this Act, exclusive of lands acquired by devise or gift, shall not together exceed in the case of cities having a population of not less than 100,000, 2,000 acres, and in the case of other cities or of counties, 1,000 acres, and in the case of towns, villages or townships, 500 acres.

Conveyance of lands to be to corporation.

(3) The conveyance of all lands, rights and privileges so acquired by purchase or lease shall be taken to the municipal corporation.

Power to lease lands not required.

(4) The Board shall have power to let any lands not immediately required for park purposes.

Power to sell lands not required.

(5) If it has more land than is required for park purposes, the Board may sell or otherwise dispose of the land not required, in such manner and upon such terms as may be deemed most advantageous. R.S.O. 1897, c. 233, s. 13.

Lands for Athletic, etc., purposes.

(6) Where a park has been purchased or has been acquired by the Board or by the corporation of the municipality, otherwise than by gift, or devise, or by dedication to the public by the owner of the land, freely, or at a nominal price or rental, the Board may set apart a sufficient part thereof for athletic purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments,

and

and may lease the same for such purposes for such times and on such terms as the Board may see fit; but the powers conferred by this subsection shall not be exercisable with respect to any park, unless and until the Board has applied for and received the approval of the Ontario Railway and Municipal Board.

Power to enter on lands and appropriate streams, etc.

**14.** The Board, its engineers, surveyors, servants and workmen may enter upon the lands of any person in the municipality, or, in the case of a city, within ten miles, and, in the case of a town, within five miles thereof and may survey, set out, and ascertain such parts thereof as are required, including parks, avenues, boulevards and drives and approaches thereto, or for any other purposes of the Board, including the supply of water for artificial lakes, fountains, and other park purposes; and (with the consent of all parties interested, capable of consenting) may divert and appropriate any river, ponds of water, springs or streams of water therein which the engineer, surveyor or other person authorized by the Board may deem suitable for such purposes; and the Board may contract with the owner or occupier of the said lands, and with those having a right or interest in such water, for the purchase or renting thereof, or of any part thereof, or of any privilege which may be required for the purposes of the Board. But the Board shall not interfere with the water-works or water supply of any municipal corporation or of any water-works company. R.S.O. 1897, c. 233, s. 14.

No interference with water-works.

Arbitrations.

**15.** In case of any disagreement between the Board and the owner or occupier of, or any other person interested in such lands, or any person having an interest in such water, or in the natural flow thereof, or in any such privilege, respecting the amount of purchase money or yearly rental thereof, or as to the damages which the expropriation thereof by the Board will cause, or otherwise, the matter in question shall be determined by arbitration under *The Consolidated Municipal Act, 1903,* and as hereinafter provided. R.S.O. 1897, c. 233, s. 15.

3 Edw. VII. c. 19.

Arbitration provisions in Municipal Act incorporated herewith.

**16.** Sections 437 to 467 of *The Consolidated Municipal Act, 1903,* shall be read as part of this Act, and shall apply to the Board as if the Board were named therein instead of the corporation or municipal council. R.S.O. 1897, c. 233, s. 16.

Board to make yearly estimates.

**17.**—(1) The Board shall, in the month of February in every year, prepare an estimate of the sums required during the ensuing financial year, for:

(*a*)

Interest.

(*a*) The interest on money borrowed,

Sinking fund.

(*b*) The amount of the sinking fund; and

Maintenance.

(*c*) The expense of maintaining, improving, and managing the parks, boulevards, avenues and streets under its control:

Interest, etc., of purchase money.

(*d*) The interest and instalments of purchase money for the purchase of small squares or parks.

When estimate to be reported.

(2) The Board shall report its estimate to the council not later that the 15th day of February in each year.

Special rate for Park purposes.

(3) The council shall, in addition to all other rates and assessments for municipal purposes, levy and assess in every year a special annual rate, sufficient to furnish the amount required for the year, but not exceeding one-half mill in the dollar upon the assessed value of all rateable real and personal property. Such rate shall be called "The Park Fund Rate," and shall be deemed to be included in the limit of two cents on the dollar authorized by *The Consolidated Municipal Act, 1903.*

3 Edw. VII. c. 19.

Power to issue debentures.

(4) Subject as hereinafter provided, the council may also, on the requisition of the Board, raise by a special issue of debentures, to be called "Park Fund Debentures," the sums required for the purpose of purchasing the lands and privileges, which are reported by the Board to be necessary for park purposes, and for making permanent improvements upon any lands theretofore acquired by the Board for park purposes.

Issuing of debentures for half cost of park when remainder contributed.

(5) If at least one-half of the cost of establishing a park is contributed by private subscription or otherwise, the council shall, at the request of the Board of Park Commissioners, issue debentures for the remaining one-half, but only when the annual sum required to meet the annual interest and sinking fund can be provided for without exceeding the limit of one-half mill in the dollar, provided for in subsection 3 of this section.

By-law, when not necessary to submit to electors.

(6) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual interest and sinking fund does not, with a reasonable allowance for annual expenses of managing, improving and maintaining the parks, and other works under the control of the Board, exceed the limit of half a mill in the dollar, any provisions in *The Consolidated*

*Municipal*

*Municipal Act, 1903,* or any special Act, relating to the municipality, to the contrary notwithstanding.

(7) The debentures shall be payable within forty years at furthest from the date of their issue. Debentures, when payable.

(8) Debentures issued under the authority of this Act, shall form a lien and charge upon all lands which are by this Act declared to be subject to the control and management of the Board. To constitute lien.

(9) In case of a sale, the Board may sell free from the lien, but the purchase money shall be applied to the payment of park debentures, or to the purchase of other lands for park purposes. Sale free from lien; application of proceeds.

(10) During the currency of the debentures the council shall withhold and retain out of and as a first charge on the annual rate, the amount required to meet the annual interest of the debentures and the annual sinking fund mentioned in subsection 3, to be provided for the retirement thereof as the debentures become due. Annual rate for retirement of debentures.

(11) Except as in this Act otherwise expressly provided, the provisions of *The Consolidated Municipal Act, 1903,* as to money by-laws and the debentures to be issued thereunder, shall apply to by-laws passed by a municipal council under the authority of this Act, and the debentures issued thereunder. Provisions of Municipal Act as to money by-laws applicable. 3 Edw. VII. c. 19.

(12) All moneys realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other moneys, and shall be by him deposited to the credit of the park fund, and shall be paid out by him on the orders of the Board; save as to the amount required to meet the interest on and provide a sinking fund for debentures. R.S.O. 1897, c. 233, s. 17; 4 Edw. VII. c. 10, s. 58; 5 Edw. VII. c. 13, s. 18 (1), (2); 7 Edw. VII. c. 43, s. 1. Moneys, application of.

**18.** No person shall commit any of the following acts: Prohibitions and penalties.

(*a*) Wilfully or maliciously hinder, or interrupt, or cause, or procure to be hindered or interrupted, the Board or its engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained; Hindering, etc., Board or its officers.

(*b*)

Wasting water.

(*b*) Wilfully or maliciously let off or discharge any water so that the same runs waste or useless from or out of any reservoir, pond, or lake, or other receptacle for water connected with any such park;

Fouling reservoir.

(*c*) Cause any dog or other animal to swim in, or throw or deposit any injurious, noisome, or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way foul the water, or commit any unlawful damage or injury to the works, pipes, or water, or encourage the same to be done;

Diverting water.

(*d*) Lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the water-works connected with any such park or parks, or in way obtain or use any water thereof, without the consent of the Board;

Fouling water supply.

(*e*) Wash or cleanse any cloth, wool, leather, skin or animals, cause any dog or other animal to swim therein, or place any noisome or offensive thing within the distance of three miles in the case of a city, and one mile in the case of any other municipality, in any river, pond, creek, spring, source or fountain, from which the water for the supply of any such park or parks is taken, or convey, cast, throw, or put any filth, dead carcass or other injurious, noisome or offensive thing therein, or within the distance as above mentioned; or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled;

Destroying ornamental trees, etc.

(*f*) Wilfully or maliciously injure, hurt, deface, tear or destroy any ornamental or shade tree or shrub, or plant, or any statue, fountain, vase or fixture of ornament or utility, in any street, park, avenue, drive, or other public place, under the control of the Board, or wilfully, negligently or carelessly suffer or permit any horse or other animal driven by or for him, or any animal belonging to him or in his custody, possession or control, and lawfully on the street or other public

place

place, to break down, destroy or injure any tree, shrub or plant therein;

(*g*) Wilfully or maliciously injure, hurt, or otherwise molest or disturb any animal, bird, or fish, kept in any such park or in the lakes or ponds therewith connected. Injuring animals, etc.

(2) For every contravention of subsection 5, the offender shall incur a penalty not exceeding $20, nor less than $1; or such offender may be imprisoned with or without hard labour, in the first instance for any term not exceeding thirty days; and the person so offending, shall be liable to an action at the suit of the Board, to make good any damage done by him. R.S.O. 1897, c. 233, s. 18. Penalty.

**19**. The Board of Commissioners of police of every city and town shall upon the request of the Board of park management detail for service in any of the property under the care or control of the park Board, so many of the police force as the board of police commissioners may deem necessary to maintain order and protect property therein; and any police constable may remove therefrom any person violating any of the provisions of this Act, or of any of the rules and regulations established by the Board. R.S.O. 1897, c. 233, s. 19. Commissioners of police to detail policemen for service in the park.

**20**. The watchmen and other officers of the Board, when in the discharge of their duties, shall have all the powers and authorities of a constable. R.S.O. 1897, c. 233, s. 20. Protection and powers of officers.

**21**. Chapter 233 of the Revised Statutes of Ontario, 1897; section 58 of *The Statute Law Amendment Act, 1904;* section 18 of *The Statute Law Amendment Act, 1905;* and chapter 43 of the Acts passed in the seventh year of the reign of His late Majesty King Edward the Seventh, are repealed. Repeal. Rev. Stat. 233; 4 Edw. VII. c. 10, s. 58; 5 Edw. VII. c. 13, s. 18; 7 Edw. VII. c. 43.

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CHAPTER

# CHAPTER 47.

## An Act to regulate Travelling on Public Highways and Bridges.

*Assented to 16th April, 1912.*

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
RULES OF THE ROAD, ss. 3-5.
Bicycles, ss. 3 (2), 4 (3).
Portable and traction engines, s. 5 (2-6).
DRUNKENNESS OF DRIVER OR RIDER, s. 6.
RACING AND DISORDERLY CONDUCT, s. 7.
SLEIGH BELLS, s. 8.
RULES AS TO USE OF DEVIL STRIP BY BICYCLES, ETC., s. 9.
BRIDGES, NOTICE AS TO SPEED ON, s. 10.
PENALTIES, ss. 11-14.
REPEAL, s. 15.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Highway Travel Act. New.*

Interpretation, "Vehicle."

**2.** In this Act "Vehicle" shall include a vehicle drawn by one or more horses, or other animals, a traction engine and a motor vehicle. *New.*

HIGHWAYS.

Vehicles meeting others to turn out to the right.

**3.**—(1) Where a person travelling or being upon a highway in charge of a vehicle meets another vehicle, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road. R.S.O. 1897, c. 236, s. 1 (1),; 63 V. c. 40, s. 1 (*f*).

Vehicles meeting bicycles, etc.

(2) Where a person travelling or being upon a highway in charge of a vehicle meets a person travelling upon a bicycle or tricycle he shall, where practicable, allow him sufficient room on the travelled portion of the highway to pass to the right. R.S.O. 1897, c. 236, s. 1 (2).

Vehicles or horsemen overtaken by others.

**4.**—(1) Where a person travelling or being upon a highway in charge of a vehicle, or on horseback, is overtaken by any vehicle or horseman travelling at greater

speed

speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass. R.S.O. 1897, c. 236, s. 2 (1).

Vehicles or horsemen overtaking others.

(2) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free. R.S.O. 1897, c. 236, s. 2 (2).

Bicycles and tricycles overtaken by vehicles or horsemen

(3) Where a person travelling or being upon a highway on a bicyle or tricycle is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass and the person so overtaking the bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision. R.S.O. 1897, c. 236, s. 2 (3).

Bicycle overtaking vehicle, horseman or foot passenger to give warning.

(4) Where a person travelling upon a highway on a bicycle or tricycle overtakes any vehicle or horseman travelling at less speed, or a person travelling on foot, the person on the bicycle or tricycle shall give to the other person audible warning of his approach before attempting to pass. R.S.O. 1897, c. 236, s. 2 (4).

Driver unable to turn out is to stop.

**5.**—(1) Where one vehicle is met or overtaken by another, if by reason of the weight of the load on either of the vehicles so meeting or on the vehicle so overtaken, the driver finds it impracticable to turn out, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage. R.S.O. 1897, c. 236, s. 3.

Portable and traction engines meeting other vehicles.

(2) Where a portable or traction engine is met or overtaken on a highway by a vehicle drawn by a horse or other animal, or by a horseman, the driver of the engine shall, if practicable, turn out to the right and give such vehicle or horseman at least one-half of the road, and shall in all cases stop and remain stationary until the vehicle or horseman has safely passed, and shall, if requested by the driver of the vehicle or by the horseman, assist such driver or horseman to pass without damage.

Stopping engine.

(3) Every person in charge of a portable or a traction engine, and being upon a highway and about to meet or be passed by a vehicle drawn by a horse or other animal, or by a horseman, shall stop when at a distance of not less than one chain from such vehicle or horseman and shall remain stationary until the vehicle or horseman shall have safely passed such engine.

Lights to be carried ahead of engine.

(4) Where any such engine is using a highway or bridge between sunset and sunrise, it shall be the duty of all persons

sons in charge thereof to see that some person shall walk, ride or drive ahead of it, carrying a light so as to give warning to persons in charge of approaching vehicles or animals, such person with such light to be and continue at least one chain in front of the engine; and it shall be the duty of such person also to warn the driver of such engine to stop when an animal or vehicle is drawing near, and also to warn the person in charge of such animal or vehicle of such engine.

Lights to be carried on engine.

(5) Every such engine shall, after sunset and before sunrise, carry a bright red light in a conspicuous place in front, and a green light on the rear of the engine or of any vehicle which may be attached to it.

Noises not to be made when passing horses, &c.

(6) It shall be the duty of the driver or of the person in charge of any such engine to see that it makes no noise by whistling or otherwise when any horse or animal is passing or is near or is about to pass the same on any highway. 63 V., c. 40, s. 2.

Drunkenness of driver or rider.

**6**. Where a person in charge of a vehicle or of a horse or other animal used as a means of conveyance, travelling or being on a highway, is, through drunkenness, unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur the penalties imposed by this Act. R.S.O. 1897, c. 236, s. 4.

Racing and disorderly conduct.

**7**. No person shall race with or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway. R.S.O. 1897, c. 236, s. 5.

Sleigh bells.

**8**. Every person travelling upon a highway with a sleigh, sled, or cariole, drawn by a horse or other animal, shall have at least two bells attached to the harness. R.S.O. 1897, c. 236, s. 6.

Bicycles on devil strips.

**9**. Where a person travelling upon a bicycle or tricycle in a northerly or westerly direction upon the central strip between the double tracks of a surface railway meets another person on a bicycle or tricycle travelling in an opposite direction he shall turn out to the right, allowing to such other person the whole of the central strip. R.S.O. 1897, c. 236, s. 7. *Amended.*

BRIDGES.

Notice to be posted at bridges.

**10**.—(1) The person who has the superintendence of any bridge exceeding thirty feet in length may cause to be put up at each end thereof, conspicuously placed, a notice legibly printed, in the following form:

"Any

"Any person or persons riding or driving on or over this bridge at a faster rate than a walk will, on conviction thereof, be subject to a fine, as provided by law." Form of.

R.S.O. 1897, c. 236, s. 8.

(2) A person who injures or interferes with such notice shall incur a penalty of not less than $1 or more than $8. R.S.O. 1897, c. 236, s. 9. Penalty for defacing.

(3) If, while such notice continues up, a person rides or drives a horse or other animal on or over such bridge at a pace faster than a walk, he shall incur the penalties imposed by this Act. R.S.O. 1897, c. 236, s. 10; 4 Edw. VII. c. 10, s. 59. Violation of prohibition notice.

RECOVERY AND APPLICATION OF PENALTIES.

**11.** Where not otherwise specially provided, any person contravening this Act shall incur a penalty of not less than $1 nor more than $20. R.S.O. 1897, c. 236, s. 11. Penalty.

**12.** No penalty or imprisonment shall be a bar to the recovery of damages by the injured person. R.S.O. 1897, c. 236, s. 14. Action for damages not barred.

**13.** Every fine when collected shall be paid to the treasurer of the local municipality or place in which the offence was committed, and shall be applied to the general purposes thereof, unless the offence was committed on a road or bridge, owned by a company, or person, and such company, or person, or the officer or servant of such company, or person is the complainant, in which case the penalty when collected shall be paid over to such company, or person. R.S.O. 1897, c. 236, s. 15. Application.

**14.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act.* Recovery. 10 Edw. VII., c. 37.

**15.** Chapter 236 of the Revised Statutes of Ontario, 1897, chapter 40 of the Acts passed in the 63rd year of the reign of Queen Victoria, and section 59 of chapter 10 of the Acts passed in the 4th year of the reign of King Edward the Seventh are repealed. Rev. Stat. c. 236; 63 V. c. 40; 4 Edw. VII. c. 10, s. 59, repealed.

# CHAPTER 48.

## An Act to regulate the Speed and Operation of Motor Vehicles on Highways.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
REGISTRATION FEES, s. 3.
DRIVER'S LICENSE, ss. 4, 5, 22.
ALARM BELL; LAMPS, s. 6.
MARKERS, ss. 7-9.
RATE OF SPEED, ss. 10-12.
DRIVERS:
Limit of age, s. 13.
Intoxicated persons, s. 14.
RULES OF THE ROAD: 15-18.
Standing car, s. 15.
Frightening horses; stopping on signal, s. 16.
Funeral procession, meeting, s. 17.
Accident, duty in case of, s. 18.
OWNER, LIABILITY OF, s. 19.
APPLICATION OF S. 540 OF MUNICIPAL ACT, s. 20.
REVOCATION OF PERMITS AND LICENSES, s. 21.
COPIES OF ACT, ETC., TO BE FURNISHED, s. 22.
DISPROVING NEGLIGENCE, ONUS OF, s. 23.
CONVICTIONS: cumulative, s. 24 (2).
Provincial Secretary to be notified of, s. 26.
CHAUFFEUR, DISQUALIFICATION OF, s. 25.
IMPOUNDING VEHICLE, s. 27.
PENALTIES, ss. 24 (1), 29, 30, 34.
ARRESTS WITHOUT WARRANTS, ss. 31-33.
REPEAL, s. 35.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Short title

**1.** This Act may be cited as *The Motor Vehicles Act.* 9 Edw. VII. c. 81, s. 1 (1).

Interpretation.

**2.** In this Act,

"Highway."

(*a*) "Highway" shall include public park, parkway and driveway. *New.*

"Motor vehicle."

(*b*) "Motor vehicle" shall include automobile, locomobile, motor bicycle, and any other vehicle propelled or driven otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails or a traction engine within the

the meaning of *The Traction Engines Act*. 6 Edw. VII. c. 46, s. 1, *amended*. 2 Geo. V. c. 53.

(*c*) "Peace Officer" shall include a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, justice of the peace, gaoler or keeper of a prison, and a police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process. *New*. See R.S.C. c. 146, s. 2, *par*. 26. "Peace officer."

**3**.—(1) The owner of every motor vehicle driven on a highway shall pay to the Provincial Secretary a registration fee for such motor vehicle. Registration fee to be paid to Provincial Secretary.

(2) The Provincial Secretary shall issue for each motor vehicle so registered a numbered permit stating that such motor vehicle is registered in accordance with this Act, and shall cause the name of such owner, his address and the number of his permit, to be entered in a book to be kept for such purpose. Permits.

(3) The Lieutenant-Governor in Council may make regulations regarding renewals and transfers of such permits, the payment of fees therefor, the amount and time of payment of such fees, and the registration and operation of motor vehicles owned by manufacturers or dealers and not kept by them for private use. 6 Edw. VII. c. 46, s. 2. *Amended*. Regulations.

**4**.—(1) No person shall for hire, pay or gain drive a motor vehicle on a highway unless he is licensed to do so, and no person shall employ anyone so to drive a motor vehicle who is not so licensed. Paid drivers to be licensed.

(2) The license for such purpose may be issued by the Provincial Secretary to such person for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe. 8 Edw. VII. c. 53, s. 1. *Amended*. Terms of license.

**5**. A license must be produced by any person driving a motor vehicle for hire, pay or gain when demanded by a peace officer. 9 Edw. VII. c. 81, s. 1 (2). *Amended*. Production of license.

**6**.—(1) Every motor vehicle shall be equipped with an alarm bell, gong or horn, and the same shall be sounded whenever it shall be reasonably necessary to notify pedestrians or others of its approach. 6 Edw. VII. c. 46, s. 5 (1), *part*. Alarm bell to be sounded at crossings, etc.

(2)

Lamps.

(2) Whenever on a highway after dusk and before dawn, every motor vehicle shall carry on the front thereof a lighted lamp in a conspicuous position. 6 Edw. VII. c. 46, s. 5 (1), *part redrafted.*

Marker on back of motor bicycle showing number of permit.

**7.** A motor bicycle while being driven on a highway shall have exposed on the back thereof a marker furnished by the Provincial Secretary showing in plain figures not less than three inches in height the number of the permit of such motor bicycle. 6 Edw. VII. c. 46, s. 5 (1), *last part redrafted.*

Marker on front and back of other motor vehicles showing number of permit.

**8.**—(1) Every motor vehicle other than a motor bicycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a marker furnished by the Provincial Secretary showing in plain figures not less than five inches in height the number of the permit.

Position of marker.

(2) The marker on the front shall be as far forward and as high from the ground as may be necessary to render it distinctly visible, and the marker on the back shall be so placed that the lower edge thereof shall not be lower than the body of the motor vehicle. 6 Edw. VII. c. 46, s. 3 (1). *Amended.*

Position of lamp.

(3) Every such motor vehicle shall carry a lamp so placed as to illuminate conspicuously at all times between dusk and dawn the number placed on the back of the vehicle. 6 Edw. VII. c. 46, s. 5 (2).

No other numbers to be exposed.

**9.**—(1) No number other than that upon the marker furnished by the Provincial Secretary shall be exposed on any part of a motor vehicle. 6 Edw. VII. c. 46, s. 3 (2). *Amended.*

Numbers to be kept clean.

(2) The numbers shall be kept free from dirt and obstruction and the markers shall be so affixed that the numbers may be at all times plainly visible. 6 Edw. VII. c. 46, s. 4. *Amended.*

Search light.

(3) No motor vehicle shall carry what is known to the trade as a search light. 6 Edw. VII. c. 46, s. 5 (3).

Rate of speed.

**10.** No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than fifteen miles an hour, or upon any highway outside of a city, town or village at a greater rate of speed than twenty miles an hour; but the council of a city, town, township or village may by by-law set apart any highway or any part thereof on which

motor

motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose. 6 Edw. VII. c. 46, s. 6. *Amended.*

Not to be recklessly driven.

**11.** Notwithstanding the provisions of the next preceding section, any person who drives a motor vehicle on a highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances, including the nature, condition and use of the highway and the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, shall be guilty of an offence under this Act. 6 Edw. VII. c. 46, s. 7. *Amended.*

Not to be driven in a race or for a bet on a highway.

**12.** No person shall drive a motor vehicle upon a highway, in a race or on a bet or wager 6 Edw. VII. c. 46, s. 8. *Amended.*

Persons under 18 not to drive.

**13.** No person under the age of eighteen years shall drive a motor vehicle. 8 Edw. VII. c. 53, s. 2.

Intoxicated persons not to drive.

**14.** No intoxicated person shall drive a motor vehicle. 6 Edw. VII. c. 46, s. 9.

Not to pass a standing car.

**15.** When a motor vehicle meets or overtakes a street car which is stationary for the purpose of taking on or discharging passengers the motor vehicle shall not pass the car on the side on which passengers get on or off until the car has started and any passengers who have alighted shall have gotten safely to the side of the street. *New.* See 9 Edw. VII. c. 81, s. 1 (3).

Persons in charge of vehicle to use reasonable precaution not to frighten horses and to stop on signal.

Meeting or overtaking horses and vehicles.

**16.** Every person having the control or charge of a motor vehicle shall, when upon a highway and approaching any vehicle drawn by a horse, or a horse upon which any person is riding, operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse and to ensure the safety and protection of any person riding or driving the same, and outside the limits of any city or town shall not approach such horse within one hundred yards, or pass the same going in the opposite direction at a greater rate of speed than seven miles an hour, and if going in the same direction shall signal his desire to pass and give the rider or driver an opportunity to turn out so that he may be passed with safety, and if any such horse going in the opposite direction appears to be frightened or if such person is signalled so to do, he shall stop such motor vehicle, including the motor, and shall remain stationary so long as may be necessary to allow such rider or

driver

driver to pass or until directed by him to proceed; and in case any animal ridden or driven by such rider or driver appears to be frightened, such person and the occupants of the motor vehicle shall render assistance to such rider or driver. 6 Edw. VII. c. 46, s. 10; 8 Edw. VII. c. 53, s. 3. *Amended.*

Driver of motor vehicle to stop on meeting funeral procession

**17**. The driver of a motor vehicle upon any highway outside the limits of a city shall upon meeting or overtaking a funeral procession stop his vehicle including the motor or where practicable shall turn out into an intersecting highway or lane until the funeral procession has passed. 8 Edw. VII. c. 53, s. 4. *Amended.*

Duty of person in charge in case of accident.

**18**. If an accident occurs to any person on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of a motor vehicle on a highway, the person in charge of such motor vehicle shall return to the scene of the accident and give in writing to anyone sustaining loss or injury his name and address, and also the name and address of the owner of such motor vehicle, and the number of the permit. 6 Edw. VII. c. 46, s. 11; 8 Edw. VII. c. 53, s. 5. *Amended.*

Motor owner responsible.

**19**. The owner of a motor vehicle shall be responsible for any violation of this Act or of any regulation prescribed by the Lieutenant-Governor in Council. 6 Edw. VII. c. 46, s. 13. *Amended.*

3 Edw. VII. c. 19, s. 540, paragraph 7, not to apply.

**20**. No provision of any by-law heretofore or hereafter passed under paragraph 7 of section 540 of *The Consolidated Municipal Act, 1903*, which is inconsistent with the provisions of this Act shall affect or apply to motor vehicles. 6 Edw. VII. c. 46, s. 15.

Provincial Secretary may revoke permit or license.

**21**. The Provincial Secretary may at any time for misconduct or infraction of the provisions of this Act or of any regulation thereunder by an owner or driver of a motor vehicle suspend or revoke any permit or license. 6 Edw. VII. c. 46, s. 16; 8 Edw. VII. c. 53, s. 6. *Redrafted.*

Provincial Secretary to furnish copies of Act and lists of permits and licenses.

**22**. The Provincial Secretary shall furnish all Clerks of the Peace with copies of this Act and of the regulations thereunder for distribution to the constables of all counties, districts and local municipalities, and he shall also furnish copies of this Act to the clerks of all local municipalities, to be posted up in conspicuous places, and shall also furnish on the first days of May and September in each year to the

clerks

clerks of all such municipalities lists of all persons to whom permits and licenses are issued. 6 Edw. VII. c. 46, s. 17. *Amended.*

In case of accident onus cast upon motor owners.

**23.** When loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver. 6 Edw. VII. c. 46, s. 18; 8 Edw. VII. c. 53, s. 7. *Amended.*

Penalties.

**24.**—(1) Any person who violates any of the provisions of subsections 1 or 2 of section 8, subsection 1 of section 9, section 12 or section 18 shall be liable for the first offence to a penalty of $50 or one week's imprisonment or both; for the second offence to a penalty of $100 or one month's imprisonment or both, and for the third or any subsequent offence to imprisonment not exceeding six months. 9 Edw. VII. c. 81, s. 1 (4). *Part amended.*

Convictions cumulative.

(2) On a charge for a second, third or subsequent offence under this section, a conviction need not be shown to be for an offence against the same section, but a conviction for an offence against subsections 1 or 2 of section 8, subsection 1 of section 9, section 12 or section 18 shall be deemed to be a prior conviction. 9 Edw. VII. c. 81, s. 1 (4). *Part amended.*

Chauffeur may be disqualified.

**25.**—(1) A Police Magistrate or Justice of the Peace before whom a person is convicted of an offence under this Act, if the person convicted is required to hold a license under section 4 and does not hold such license, may declare him disqualified to hold such a license for such time as the Police Magistrate or Justice of the Peace thinks fit and shall so report with the certificate of the conviction to the Provincial Secretary.

Convictions to be endorsed on license.

(2) If the person convicted holds a license issued under section 4, the Police Magistrate or Justice of the Peace shall cause particulars of the conviction, if for an offence against section 4, subsections 1 or 2 of section 8, subsections 1 or 2 of section 9, sections 11, 12, 14, 16, 17 or 18, to be endorsed upon such license, and if such conviction is a third conviction, shall confiscate such license and any badge issued therewith, and shall forward the same with the certificate of the conviction to the Provincial Secretary.

Production of license.

(3) A person so convicted if he holds a license issued under section 4 shall produce the license within a reasonable

time

time for the purpose of endorsement, and if he fails to do so shall be guilty of an offence under this Act. 9 Edw. VII. c. 81, s. 1 (5). *Amended.*

Justice to certify conviction to Provincial Secretary

**26.**—(1) A Police Magistrate or Justice of the Peace who makes a conviction under this Act shall forthwith certify the same to the Provincial Secretary, setting out the name, address and description of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the number of the section of the Act contravened and the time the offence was committed, and if such offence was committed by a person licensed under section 4 the number of the license and the name, address and description of his employer, and if three such convictions for an offence against subsections 1 or 2 of section 8, subsection 1 of section 9, section 12 or section 18, are made against the same person the permit of the motor vehicle with which the offence, for which such third conviction was made, was committed, or the license issued under section 4, or both, may be cancelled and the offender shall not be entitled to a permit or license for a period of two years thereafter.

Costs of certificate

(2) The Police Magistrate or Justice of the Peace shall be entitled to add to the costs of the conviction twenty-five cents for his costs of the certificate. 9 Edw. VII. c. 81, s. 1 (6). *Amended.*

Proof of prior convictions.

(3) A copy of the certificate, certified by the Provincial Secretary or Assistant Provincial Secretary under the seal of the Provincial Secretary, shall be *prima facie* evidence of the conviction. 9 Edw. VII. c. 81, s. 1 (4). *Part amended.*

Motor vehicle may be impounded.

**27.**—(1) In the event of a third or subsequent conviction, the motor vehicle driven by the person convicted at the time of committing the offence of which he was convicted, shall be seized, impounded and taken into the custody of the law for a period of three months.

Storage of vehicles and lien therefor, 10 Edw. VII c. 69.

(2) Such motor vehicle shall be stored where the convicting Police Magistrate or Justice of the Peace shall direct, and all costs and charges for the care or storage thereof shall be a lien upon such motor vehicle, and the same may be enforced in the manner provided by *The Mechanics' and Wage-Earners' Lien Act.*

Release of vehicle on security given by owner.

(3) If the person so convicted gives sufficient security to the convicting Police Magistrate or Justice of the Peace by bond, recognizance or otherwise, that such motor vehicle

shall

shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit. 9 Edw. VII. c. 81, s. 1 (7). *Amended.*

Owner may be prosecuted.

**28**. If the employer of a person driving a motor vehicle for hire, pay or gain is present in the motor vehicle at the time of the committing of any offence against this Act, such employer as well as the driver shall be liable to conviction for such offence. 9 Edw. VII. c. 81, s. 1 (8). *Amended.*

Penalties.

**29**. Any person who violates any of the provisions of this Act or of any regulation made thereunder, where a penalty for the offence is not hereinbefore provided, shall incur a penalty of not more than $50. 6 Edw. VII. c. 46, s. 20; 9 Edw. VII. c. 81, s. 1 (9). *Redrafted.*

Application of penalty where constable or municipal officer prosecutes.

**30**. Where a constable or other officer of a municipality is the prosecutor any penalty imposed under this Act shall, when received, be paid over by the convicting Police Magistrate or Justice of the Peace to the treasurer of the municipality. 1 Geo. V. c. 61, s. 1. *Amended.*

Arrests without warrant.

**31**—(1) Every peace officer who on reasonable and probable grounds believes that an offence against any of the provisions of subsections 1 or 2 of section 8, subsection 1 of section 9, section 12 or section 18 has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, may arrest such person without warrant, whether such person is guilty or not. 6 Edw. VII. c. 46, s. 21. *Amended.*

Assisting peace officers.

(2) Every person called upon to assist a peace officer in the arrest of a person suspected of having committed any such offence may assist if he knows that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion. 6 Edw. VII. c. 46, s. 22. *Amended.*

Arresting without warrant on view of offence.

(3) Every person may arrest without warrant any person whom he finds committing any such offence. 6 Edw. VII. c. 46, s. 23. *Amended.*

Detaining vehicle when arrest made.

**32**. A peace officer or other person making an arrest without warrant may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act, but such motor vehicle may be released on security for its production being given to the satisfaction of a Justice of the Peace. 6 Edw. VII. c. 46, s. 24. *Amended.*

Duty of person arresting without warrant.

**33.** A peace officer or other person making an arrest without warrant shall, with reasonable diligence take the person arrested before a Justice of the Peace, to be dealt with according to law. 6 Edw. VII. c. 46, s. 25. *Amended.*

Recovery of penalties. 10 Edw. VII. c. 37.

**34.** The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act. New.*

6 Edw. VII. c. 46; 8 Edw. VII. c. 53; 9 Edw. VII. c. 81; 1 Geo. V. c. 61, repealed.

**35.** Chapter 46 of the Acts passed in the 6th year; Chapter 53 of the Acts passed in the 8th year, and Chapter 81 of the Acts passed in the 9th year of the reign of King Edward the Seventh, and Chapter 61 of the Acts passed in the first year of the reign of His Majesty King George the Fifth are repealed.

*Section 285 of the Criminal Code reads as follows:*

*Every one is guilty of an indictable offence and liable to two years' imprisonment who, having the charge of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person.*

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CHAPTER

## CHAPTER 49.

## An Act respecting Double Tracks in Snow Roads

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Snow Roads Act. New.*

Interpretation—"vehicle."

**2.** In this Act "vehicle" shall mean a vehicle drawn by one or more horses or other animals or propelled by any motive power. R.S.O. 1897, c. 237, s. 1.

County Council may pass by-laws for making double tracks on roads during sleighing season.

**3.** The council of a county may provide, by by-law, for the making of a double track, during the season of sleighing in each and every year, upon such leading highways within the county, whether or not county roads, as such council deems advisable. R.S.O. 1897, c. 237, s. 2.

Nature of tracks.

**4.** Where a county council has passed such a by-law, the double track shall be so made that one vehicle may pass another without being obliged to turn out when meeting. R.S.O. 1897, c. 237, s. 3.

Right of road.

**5.** Every vehicle shall travel in the right-hand track, and any person driving or propelling his vehicle in the wrong track shall leave it when he meets a vehicle entitled to use such track. R.S.O. 1897, c. 237, s. 4.

Duties and powers of path-masters or road masters.

**6.**—(1) A county council may also provide, by by-law, that pathmasters appointed by township councils shall cause the highways on which double tracks are to be made to be kept open for travel within their respective municipalities, or, if there are no such pathmasters available, may appoint roadmasters to perform that duty.

(2)

Calling out persons liable to perform statute labour.

(2) Such pathmasters or roadmasters shall have power to call out persons liable to perform statute labour, to assist in keeping open such highways within their respective municipalities, and may give to the persons employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for in the next season's statute labour.

Application of commutation of statute labour.

(3) The county council may also provide for the application by such township councils of so much of the commutation of statute labour fund as may be necessary for the keeping open of such highways within their respective municipalities. R.S.O. 1897, c. 237, s. 5.

If township refuses to make tracks, county may do so and impose a rate.

**7**. If a township council neglects or refuses to keep such highways open for travel as provided by the next preceding section, the county council may do so, and may impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by *The Assessment Act* for the collection of county rates. R.S.O. 1897, c. 237, s. 6.

4 Edw VII., c. 23.

Penalty for persons refusing to work under pathmasters.

**8**. Any person liable to perform statute labour who refuses or neglects to turn out and work under any pathmaster or roadmaster who warns him out for that purpose under the authority of this Act, shall incur a penalty of not less than $1 or more than $20. R.S.O. 1897, c. 237, s. 7.

Penalty for travelling in wrong track and refusing to turn out.

**9**. Any person travelling with his vehicle in the wrong track, and refusing or neglecting to leave the same when met by a person who is rightfully travelling therein with his vehicle shall incur a penalty of not less than $1, or more than $20. R.S.O. 1897, c. 237, s. 8.

Recovery of penalties.

**10**. The penalties mentioned in sections 8 and 9 shall be recoverable under *The Ontario Summary Convictions Act.*

Act to apply to townships in Districts.

**11**. All the rights and powers by this Act conferred upon councils of counties may be exercised by the councils of townships in districts without county organization. *New.*

Rev. Stat. c. 237, repealed.

**12**. Chapter 237 of the Revised Statutes, 1897, is repealed.

CHAPTER

# CHAPTER 50.

## An Act respecting Toll Roads.

*Assented to 16th April, 1912.*

SHORT TITLE, s. 1.

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CONSTRUCTION AND OPERATION OF TOLL ROADS, ss. 2-74.
INTERPRETATION, s. 2.
APPLICATION OF PART I., s. 3.
INCORPORATION OF ROAD COMPANIES, ss. 4-18.
Stock subscription and payment thereon, s. 4.
Restrictions on right to construct roads, ss. 5-11.
Power to take lands and materials, ss. 12-17.
Widening, etc., of road, s. 18.
SALE OF ROADS, ss. 19-21.
POWERS OF COUNCILS, ss. 22-26.
POWER TO TAKE MATERIAL FOR CONSTRUCTION OF ROADS, ss. 27-29.
TIME FOR COMPLETION OF ROADS, s. 30.
ABANDONMENT OF ROADS, s. 31.
TOLLS, ss. 32-38.
Commutation of tolls, ss. 39-41.
REPAIR OF ROADS, s. 42.
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Deferring abolition of toll, ss. 88, 89.
Assent of electors, s. 90.
Collection and application of tolls in the meantime, s. 91.
Where road acquired by county, cesser of tolls on part within city or town; road to be within county jurisdiction, s. 92.
REPEAL, s. 93.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as "*The Toll Roads Act*," R.S.O. 1897, c. 193, s. 1.

## PART I.

### CONSTRUCTION AND OPERATION OF TOLL ROADS.

Interpretation.

**2.** In this part,

"Inspector."

"Inspector" shall mean the Inspector of Toll Roads.

### APPLICATION OF PART I.

Application of Part I.

**3.** This Part shall apply to companies heretofore or hereafter incorporated for any of the following purposes:—

(*a*) Constructing on, along, or over any public road or highway, or allowance for road, or on, along, or over any other land a planked, macadamized, gravelled or other road not less than two miles in length, and also any bridges, piers, or wharfs connected therewith, or

(*b*) Purchasing any such road, and any bridges, piers or wharfs connected therewith. R.S.O. 1897, c. 193, s. 3. *Amended.*

### INCORPORATION OF ROAD COMPANIES.

Stock subscription before incorporation and payment thereon.

**4.**—(1) No company shall be incorporated until

(*a*) Shares have been subscribed for to an amount deemed sufficient to construct or purchase, as the case may be, the entire road and works for the construction or purchase of which the incorporation of the company is sought, and

(*b*) The subscribers for shares, or some of them, have paid, on account of the shares subscribed for, ten per cent. of the entire amount of the proposed capital stock. R.S.O. 1897, c. 193, s. 4.

Taking lands

**5.** Except as hereinafter provided, no company shall construct such road or other works through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or occupier

thereof

thereof, or of the Lieutenant-Governor in Council as the case may be. R.S.O. 1897, c. 193, s. 6.

Permission of city, town or village.

**6.** No road shall be constructed or pass within the limits of any city, town or village, except by permission, under a by-law, of the city, town or village. R.S.O. 1897, c. 193, s. 7.

Bridges.

**7.** All bridges in the line of road between the termini of any road, which are not within the limits of any city, town or village, shall be deemed part of such road, unless specially excepted in the charter of the company. R.S.O. 1897, c. 193, s. 8.

Grade.

**8.** No road shall be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the engineer of the county in which the road or other work is situate or constructed, and if there is no such officer, then of an engineer appointed by the county council for that purpose. R.S.O. 1897, c. 193, s. 9.

Where other company has been chartered for road.

**9.** If under any statute heretofore passed a company has been formed to construct any road, bridge, pier, or wharf, connected therewith, and the stock of the company has been subscribed, and the work is in course of completion within the time limited by the statute under which the charter was obtained, no company shall be incorporated for the construction of the road, for the construction of which the prior charter was obtained, so long as the charter remains in force. R.S.O. 1897, c. 193, s. 10.

Notice to municipality before commencing work.

**10.**—(1) No company shall commence any work until thirty days after the directors have served a written notice upon the head of the municipality within the jurisdiction of which the road or other work connected therewith is intended to pass.

By-law prohibiting varying or altering line.

(2) If the council of such municipality passes a by-law prohibiting, varying or altering such intended line of road, or the plan of such other work, the by-law shall have the same force and effect, and be as obligatory upon all persons, and upon such company, if the company proceeds with the construction of the road or other works, as if the provisions thereof had been contained in this Act. R.S.O. 1897, c. 193, s. 11.

When company may proceed.

(3) If no by-law is passed within thirty days after service of the notice, the company may proceed with the intended road or other works. R.S.O. 1897, c. 193, s. 12.

When old road may be closed up by by-law.

**11**. Where a new road has been opened, or the line of an old road has been changed, the municipality having jurisdiction may pass a by-law stopping up the old road, or part of a road, and for conveying the same to the person or persons from whom land was taken to form the new road, if it does not exclude any person residing on or near the line of the old road from convenient access to the new road. R.S.O. 1897, c. 193, s. 13.

Exploring country and taking land and material.

**12**. The company may explore the country lying between the termini of its road, or supposed to be adapted for the site of any other works connected with such road, and may designate, take and hold the requisite land upon the line and within the limits of such road, or for such other works, and may, for the purpose of the construction and repair of such road or other works, take and carry away stone, gravel, sand, earth and other like material, from any adjoining or neighbouring land, and may also cut, make and keep in repair, upon such adjoining or neighbouring land, such ditches, drains and water courses as are necessary for effectually draining or carrying off the water from such road or other works. R.S.O. 1897, c. 193, s. 14.

Drainage.

Cutting down timber.

**13**. Where such road passes through or by any wood or standing timber, the company may cut down the trees and underwood for one hundred feet on each side of the road, and, for that purpose, the company and their agents, servants and workmen, may enter into and upon the land of any person, doing no unnecessary damage. R.S.O. 1897, c. 193, s. 15.

Entry on land.

Arbitration in default of agreement as to compensation.

**14**.—(1) If the owner or occupier of any land over, through or upon which the company desires to construct any such road or other works, or from which it desires to take material, or upon which it intends to exercise any of the powers given to it by this Act, neglects or refuses, upon demand made by the company, to agree upon the price or amount of damages to be paid for or for passing through or over such land, and expropriating the same, or for material taken, or for the exercise of any such powers, the same shall be determined by arbitration. R.S.O. 1897, c. 193, s. 16. *Part.*

*As to appointment of arbitrators, see The Arbitration Act. (9 Edw. VII., c. 35.)*

When owner absent or unable to sell, or the lands are mortgaged, etc.

(2) If the land required by the company, or with regard to which such powers are to be exercised, is held or owned by any person whose residence is not within Ontario, or is unknown to the company, or if the title to the land is in dis-

pute

pute, or the land is mortgaged, or if the owner is unknown, or is from any cause incapable of treating for the sale thereof, or for the exercise of such power, or to appoint an arbitrator, the company may name one disinterested person, and the Judge of the County or District Court of the county or district within which the land lies, on the application of the company, may name another person, from any township adjoining the township in which the land lies, who, together with one other such person to be chosen by them, before proceeding with the reference, or, in the event of their disagreeing as to the choice of such other person, to be appointed by the Judge, shall be arbitrators to determine the compensation. R.S.O. 1897, c. 193, s. 23.

Benefit to owner to be allowed for.

(3) In ascertaining the amount of compensation, the arbitrators shall have regard to any special benefit to accrue to the owner or occupier by the construction of the road or other works. R.S.O. 1897, c. 193, s. 18.

2 Geo. V., c. 31.

(4) In other respects the provisions of section 162 of *The Ontario Companies Act* shall apply. *New.*

Award to be registered.

**15**. The award, or a duplicate thereof, shall be registered in the proper registry office, and, if the compensation has been paid, the company may thereupon enter upon and take possession of the land for the use of the company, and proceed with the construction of its road or other works in, along or over the same. R.S.O. 1897, c. 193, s. 24.

Gardens, orchards, etc., not to be encroached upon.

**16**. No road or other work shall encroach upon any building or pass through or upon any pleasure ground, garden, yard or orchard, nor shall any material be taken therefrom, nor shall any timber be taken from any enclosed land, without the consent of the owner. R.S.O. 1897, c. 193, s. 21.

Owner not to enclose, in order to evade Act.

**17**. After a survey of a road has been made, the owner or occupier of land through or along which the road is intended to pass, shall not, by erecting any building or enclosing any part of such surveyed land as a yard, or by planting fruit trees or forming an orchard thereon, prevent the company from taking possession of the land. R.S.O. 1897, c. 193, s. 22.

Widening or altering roads.

**18**.—(1) Where a company desires to widen, extend or alter the line of road as projected or constructed, or to construct a branch road to intersect the original main road, or to improve or repair a road or part thereof by substituting stone, gravel, plank or other suitable material, the company may, from time to time, but subject to the rights of any other

company then incorporated under this or any other Act, by by-law provide for the widening, extending or altering of such line or road, or for the construction of such branch road and the making of such improvements and repairs. R.S.O. 1897, c. 193, s. 29.

Consent of council.

(2) The powers conferred by this section of widening, extending or altering the line of road, or of constructing a branch road, shall not be exercised without the consent of the council of the municipality within whose jurisdiction such powers are to be exercised. *New.*

Crossing intersecting road.

(3) This section shall not prevent the company from crossing an intersecting road of another company on such terms and conditions as, if the companies cannot agree, may be determined by the Lieutenant-Governor in Council. *New.*

SALE OF ROADS.

Selling works and rights to municipalities.

**19.** A company may sell to the corporation of a municipality through or along the boundary of which such road passes, or in which its works are situate, and the corporation may purchase the stock of the company, or any part of such road or works, at a price to be agreed on; and the corporation may hold the same for the benefit of the municipality, and shall, after the purchase, stand in the place and stead of the company, and possess all such powers and authority as the company possessed and was entitled to exercise in respect to the road or part of road, or other work purchased. R.S.O. 1897, c. 193, s. 33.

Application of taxes of company in purchase of stock.

**20.**—(1) The corporations of all municipalities through or along the boundaries of which a toll road passes, shall set apart as a fund for the purchase of such road all taxes collected from the company and all dividends received on the stock of the same, owned by the corporation; and such corporations, and the corporations of all cities, towns and villages within three miles of the road, may add to such fund from the other money of the corporation; and such fund may be invested from time to time in the stock of such company, or, where such road is not owned by a company, in purchasing a fixed interest therein.

Removal of toll gates on completion of purchase of stock.

(2) On the completion of the purchase of the whole of the stock of the company or of the road, and payment of any debt incurred therefor, or sooner, if the council of the municipality

cipality so decides, all toll gates shall be removed from such road. 1 Edw. VII. c. 33, s. 16.

Sale to pass the rights of company to the purchaser.

**21.** When a road, bridge, pier or wharf has been heretofore or is hereafter sold either by the company or under a power granted by it, or under legal process against the company, the sale shall be deemed to have passed and to pass such road, bridge, pier or wharf to the purchaser, with all the rights, privileges and appurtenances, and subject to all the duties and obligations which the law gave or imposed with reference to the road, bridge, pier or wharf, whilst the same was the property of the company. R.S.O. 1897, c. 193, s. 35.

POWERS OF MUNICIPAL COUNCILS.

Municipality acquiring stock in company.

**22.** A municipal corporation, having jurisdiction within the locality through or along the boundary of which a road passes, or in which a work is constructed, may subscribe for, hold, sell and transfer shares in a company, and the council may from time to time direct the head of the municipality, on behalf thereof, to subscribe for such shares in the name of the corporation, and to act for and on behalf of the corporation in all matters relating to such shares, and the exercise of the rights of the corporation as a shareholder, and the head of the municipality, whether otherwise qualified or not, shall be deemed a shareholder in the company, and may vote and act as such, subject to any rules and orders in relation to his authority, made in that behalf by the by-laws of the council or otherwise, and may vote according to his discretion in cases not provided for by the council. R.S.O. 1897, c. 193, s. 37.

Municipality may raise money to pay for stock.

**23.** The council may pay all instalments upon the shares subscribed for or acquired out of any money of the corporation not appropriated to any other purpose. R.S.O. 1897, c. 193, s. 38.

Election of directors by municipalities controlling stock.

**24.** Where a municipal corporation holds shares in a company, and is entitled to vote for the election of directors, and holds a controlling amount of the shares in the company, the council shall by resolution appoint such number of directors only as will suffice to form a majority of the board of directors, and every member of such council, whether a shareholder in his own right or not, and any ratepayer in the municipality not being a shareholder in his own right, shall be eligible to be appointed director on behalf of the corporation, and the shareholders, other than such corporation, shall elect the other directors. R.S.O. 1897, c. 193, s. 39.

Municipalities may loan money to companies

**25.**—(1) The council of any municipality, through or along the boundary of which a road passes, or within which any works connected therewith is constructed, may, out of the moneys of the corporation and not appropriated to any other purpose, lend money to the company upon such terms and conditions as may be agreed on. R.S.O. 1897, c. 193, s. 40.

And issue debentures

(2) The corporation may issue debentures for raising the amount required for the loan in the same manner and subject to the same conditions as are applicable to the creation of a debt and the issue of debentures therefor. R.S.O. 1897, c. 193, s. 41.

Application of the provisions of sects. 22-25 to councils of cities and towns.

**26.** The provisions of the last preceding four sections shall, as respects the corporations of cities and towns, apply to companies for the construction of roads or bridges whether within or without such cities or towns. R.S.O. 1897, c. 193, s. 42.

MATERIALS.

Company may acquire gravel beds, etc.

**27.** Subject to the provisions of section 14, a company, or a municipal corporation having the management of a road, may acquire, expropriate and hold any gravel bed, and stone or gravel from any land lying within any municipality, through or along which the road or any portion thereof passes, for repairing the same. R.S.O. 1897, c. 193, s. 43.

Materials to be used

**28.** A company may form a turnpike road, in part or the whole, of metal, gravel, timber, or any other material suitable for constructing a firm, substantial and smooth surface, whether or not the material is mentioned in the instrument of incorporation. R.S.O. 1897, c. 193, s. 44.

Sowing roadside with grass and keeping down weeds

**29.**—(1) Every company shall, whenever necessary, sow with grass seed all cleared land belonging to the company adjoining its road, and cause the same, so far as practicable, to be covered with grass or turf, and shall cause all thistles and other noxious weeds growing on the land to be kept cut down or rooted out.

Penalty.

(2) For every contravention of this section the company shall incur a penalty of $2 for each day on which it fails to comply with any of the requirements of this section, within eight days after having been required to do so by a notice to be served on the company by or on behalf of the corporation of the municipality within which the land lies. R.S.O. 1897, c. 193, s. 46.

(3) If the company does not, within eight days, comply with the notice, the corporation may cause all such things to be done as the company was by the notice lawfully required to do, and the corporation may recover the expense of so doing, together with the penalty, and all costs and charges, from the company, in any Court of competent jurisdiction. R.S.O. 1897, c. 193, s. 47. On default municipality may do work.

TIME FOR COMPLETION OF ROAD.

**30.**—(1) Every company shall, within two years from the day of its incorporation, complete every road or extension thereof, not more than five miles in length, and any other work undertaken by it and for the completion whereof it was incorporated, and, in default thereof, all its corporate powers shall thenceforth cease and determine, unless further time is granted by a by-law of the county in which the road, or the greatest portion thereof, is situate. R.S.O. 1897, c. 193, s. 48. Time for completion of work.

(2) If the road or extension thereof exceeds five miles in length, the company shall complete in each and every year after the expiration of such first two years, not less than five miles of the road, until the same is entirely finished, and in default, unless further time is granted, as provided by subsection 1, as far as concerns the portion of the road which remains unfinished, its corporate powers shall thenceforth cease and terminate. R.S.O. 1897, c. 193, s. 49. Where road exceeds five miles.

ABANDONMENT OF ROADS.

**31.**—(1) A company may by by-law abandon the whole or, subject to subsection 5, any portion of its road. Abandonment of whole road.

(2) After the abandonment of a portion of such road the council of any municipality, within which the road or any part thereof lies, shall assume such abandoned portion as lies within the municipality, and shall have and may exercise the same jurisdiction over the same, and the corporation shall be liable to the same duties as it has or is subject to, in respect to public roads. Abandonment in part. Assumption by council.

(3) The abandonment of the whole road shall be signified by the head or president of the company, by a notice in writing, delivered to the clerk of the council of the county wherein the road or any part thereof lies; and, until the delivery of such notice, the company shall be liable for damages arising from the unsafe condition of the road, and after the abandonment the council of any county within which the road or any Abandonment of whole road.

part

Assumption by council

part thereof lies may assume such abandoned portion of the road as lies within the county, and the corporation of such county shall have and enjoy all the rights and be subject to all the responsibilities and liabilities as is provided in section 48.

Where road not assumed by council

(4) Failing such action on the part of the council of the county, the road shall be subject to the same jurisdiction for the control and repair thereof as is provided in section 49.

By-law of council necessary to abandonment

(5) A company shall not be entitled to abandon a part of its road without the consent, to be expressed by by-law, of the council of the municipality within which the portion of the road lies; nor shall any company or municipal corporation be entitled to collect tolls upon any remaining portion of the road, less than five miles in length, if the road originally exceeded that length. R.S.O. 1897, c. 193, s. 50.

Tolls when not collectable

TOLLS ON ROADS, ETC.

Tolls, how to be fixed, paid and levied

**32**. The company may from time to time fix, regulate and receive the tolls and charges to be paid by persons passing and repassing with horses and vehicles, and for cattle, swine, sheep and other animals driven upon, over and along the road of the company, or by persons passing over any bridge with such vehicles or animals, or using any work of the company. R.S.O. 1897, c. 193, s. 52.

When tolls may be collected.

**33**.—(1) When two or more miles of road have been completed, and have been approved in writing by the Inspector, tolls may be taken therefor, but tolls shall not be taken on any other work of the company until the same has been completed.

Intervening bridge not to affect right

(2) The right to take tolls shall not be affected by the intervention, in the line of the road, of a bridge which is owned by or under the jurisdiction of a municipal corporation or of another company. R.S.O. 1897, c. 193, s. 52.

Limitation of tolls.

2 Geo. V. c. 51

**34**.—(1) Subject to the provisions of *The Tolls Exemption Act*, and except as otherwise provided by this Part, tolls may be taken at each time of passing each gate upon the road, for any portion of such road on either side or on both sides of the gate, not being more than five miles, to the next gate, if any, and not exceeding five miles in the whole, or for the whole of the road, if the length thereof does not exceed five miles and there is only one gate thereon, at the following rates per mile:

(*a*) For every vehicle drawn by one horse or other animal, and the horse or other animal drawing the same, one and one-half cents; One horse and vehicle.

(*b*) For every vehicle drawn by two horses or other animals, and the horses or other animals drawing the same, two cents; Two horses and vehicle.

(*c*) For every additional horse or other animal drawing such vehicle, one cent; Additional horse.

(*d*) For every horse, with or without a rider, one cent; Horse with or without rider.

(*e*) For each head of neat cattle, one cent; Head of cattle.

(*f*) For every score, or less than a score, of sheep or swine, one cent; Sheep.

(*g*) For every automobile, locomobile or other vehicle propelled otherwise than by muscular power, excepting the cars of electric or steam railways and other motor vehicles running only on rails or tracks, three cents; Automobiles.

(*h*) For every threshing or traction engine, and for every threshing machine with or without its water-cart drawn by such engine or by horses or other animals, five cents; Threshing machine.

(*i*) In addition to the foregoing rates, one cent at each time of passing each gate for any portion of the road, on either side or both sides thereof, for every five hundred pounds over and above six thousand pounds which a loaded vehicle weighs. R.S.O. 1897, c. 193, s. 54 (1); 3 Edw. VII. c. 14, s. 18; 4 Edw. VII. c. 14, s. 1. Additional charges.

(2) On any toll road established on or before the 16th day of April, 1895, which is not less than two miles or more than three miles long, where one toll only is charged for using the whole length of the road, a charge of three cents for one horse or other animal and any vehicle drawn thereby, may be made at each time of passing a gate, or five cents for passing and return on the same day, if required, and a charge of five cents may be made for a pair of horses or other animals and any vehicle drawn thereby at each time of passing a gate. Special rates for short roads.

(3) If in computing the toll to be paid, the computation results in a fraction of a cent, such fraction shall be counted as a cent. R.S.O. 1897, c. 193, s. 54 (2), (3). Fraction of cent.

Tolls on intersecting roads not owned by same company.

**35.**—(1) Where a toll road is intersected by or connected with another toll road, not owned or in the possession of the same company or municipal corporation, the tolls to be charged upon either of such roads from the point of intersection or connection, shall be based upon the mileage of the road from the point of intersection or connection to its termination in the direction in which the person liable for toll is proceeding, and shall be calculated at the rate per mile charged for travelling along the entire length of the road.

Ticket for intersecting road.

(2) It shall be incumbent on such person to produce a ticket from the last toll-gate on the intersecting or connecting road as evidence of his having travelled only from the intersection or connection. R.S.O. 1897, c. 193, s. 56.

Tolls at bridges may with consent of county council, exceed the said rates

**36.** A company, with the sanction of the council of the county having jurisdiction in the locality, may charge a higher rate of toll than is hereby authorized at any toll-gate erected at a bridge upon or connected with a road constructed by the company; and the council, in sanctioning such additional toll, may take into account the cost of the bridge, and may calculate the toll as if for so many additional miles of road as might have been constructed by the like expenditure. R.S.O. 1897, c. 193, s. 57.

Toll and check-gates, authority for

**37.** A company may erect such number of toll-gates, check-gates and side-bars in, along or across the roads, and upon any other of its works, and may fix, regulate and collect such tolls, not exceeding the rates hereinbefore provided to be collected at each gate, check-gate, or side-bar, as it may deem expedient, and may from time to time alter the tolls, toll-gates, check-gates and side-bars, and may erect and maintain such toll-houses, toll-gates, check-gates, side-bars and other buildings and erections as are necessary and convenient for the due management of the business of the company. R.S.O. 1897, c. 193, s. 59.

Tickets to be given at check-gates to pass principal gate, and *vice versa*.

**38.** Where a company deems it necessary or convenient to erect a check-gate on any part of its road, it shall not be entitled to toll at both the check-gate and the gate to which it acts as a check; but tickets shall be issued at the check-gate, on payment of the toll demanded, clearing the principal gate, and *vice versa;* and the distance regulating the rates of toll shall not be calculated between any of the check-gates and the principal gates, but only between the principal gates. R.S.O. 1897, c. 193, s. 61.

Commuting tolls with persons within half mile of gate;

**39**. The company may, from time to time, commute the tolls with any person whose place of abode adjoins the roads or is within half a mile of the gate nearest to his place of abode on such road. R.S.O. 1897, c. 193, s. 62.

With persons residing on toll road.

**40**.—(1) Any person desiring to commute for a fixed annual sum the tolls payable by him, may give notice in writing to the company, requiring it to commute the tolls payable at any toll gate or toll gates on the road, in respect of vehicles and animals owned by or in the possession of such person at a gross amount per annum from the date at which the amount of the commutation shall be settled.

On failure to agree Division Court judge to fix amount.

(2) If such person and the company are unable to agree upon the amount to be paid, the same shall, on the application of such person, be determined by the Judge sitting in the Division Court of any division into which any part of the road extends, whose decision shall be final. R.S.O. 1897, c. 193, s. 63.

Notice of application to Judge.

(3) The person making application shall give at least ten days' written notice thereof, to the company, by leaving it with the person in charge of the toll gate, or one of the toll gates, in respect to which commutation is sought, and the notice shall state the name of the applicant, his place of abode, occupation and post-office address, and the time and place of the sittings of the Division Court at which the application will be made. R.S.O. 1897, c. 193, s. 64.

Judge to hear and determine question summarily.

(4) The Judge shall hear the parties and take evidence on oath, if required, and dispose of the matter in a summary way, and shall give his decision thereon in writing to such of the parties as shall apply for the same, and the costs of the proceedings shall be in the discretion of the Judge, who shall make such order in the premises as appears to him to be just. R.S.O. 1897, c. 193, s. 65.

(5) The Judge shall have regard to:—

Matters to be considered by Judge.

(*a*) An approximate estimate of the amount of toll paid by the applicant during the twelve months next preceding the application, and the probable travel for the twelve months succeeding the date of such decision;

Number of animals, etc.

(*b*) The number of horses or other animals, and the number and nature of the vehicles owned or used by the applicant, in respect of which toll may be demanded;

Distance of property from gate.

(c) The distance from the gate or gates at which the property owned or occupied by the applicant is situate;

Cost of travelled portion.

(d) The cost of that portion of the road travelled over by the applicant and the benefits and advantages derived by him from the construction of such road, and

Other considerations.

(e) Such other considerations as may be necessary to do justice in the premises. R.S.O. 1897, c. 193, s. 66.

How commutation to be based.

(6) The commutation shall be based upon the mileage rates of toll authorized by this Act, and where the distance proposed to be travelled over by the applicant is less than the whole length of the road, the amount of the commutation shall be based upon the actual distance which the applicant proposes to use, and he shall be entitled for such commutation rate to use any portion of the road that may be specified in the order. R.S.O. 1897, c. 193, s. 67.

Order of Judge to continue in force from year to year.

(7) The order of the Judge shall continue in force from year to year at the same rate, and until rescinded upon the application of either party, after the expiration of one year from the date thereof. R.S.O. 1897, c. 193, s. 68.

Reconsideration of order of commutation.

(8) If at any time, during the currency of such order, it is made to appear to the Judge that the actual user of the road by the person so commuting is so increased, or so decreased, as to render the sum fixed by such order manifestly unjust, either party may, by leave of the Judge, obtain a reconsideration of the order in the same manner as is herein provided for the original application, and, upon such reconsideration, the Judge may make such amended or other order as he deems just. R.S.O. 1897, c. 193, s. 69.

Pass to be given on payment of amount fixed by Judge.

(9) Upon the production of the order, fixing the amount of the commutation, and on payment of the amount named in the order, or upon payment of the amount agreed upon, as the case may be, the company shall give to the person so commuting an annual ticket or pass for the toll-gate or toll-gates, in respect of which commutation has been made, and, upon the production of such ticket or pass by the person named therein, or by his servants, or a member of his family, all vehicles, horses and other animals, in respect of which toll would otherwise be payable, if owned by or in the possession of the person commuting, shall, during the period for which commutation has been made, be permitted to pass

through

through such gate or gates without payment of toll. R.S.O. 1897, c. 193, s. 70.

Penalty for transferring pass, etc.

(10 Any person who fraudulently transfers such ticket or pass, or who uses or attempts to use the same so as to enable vehicles, horses, or other animals, other than those mentioned in this section, to pass through any toll-gate or over any toll-road, without payment of toll, shall incur a penalty of not less than $5 and not more than $20. R.S.O. 1897, c. 193, s. 71.

Extra tolls.

(11) No order for commutation shall affect the right of the company to demand and enforce payment of the extra tolls authorized by clause (*i*) of section 34. R.S.O. 1897, c. 193, s. 72.

As to money change.

**41**. No gate-keeper shall be bound to give change for a larger amount than $1. R.S.O. 1897, c. 193, s. 73.

(*As to exemptions from toll, See Tolls Exemption Act, 2 Geo. V. c. 51.*)

REPAIR OF ROAD.

Company to keep road in repair.

**42**. After a road or portion of a road, bridge, or other work has been completed and tolls have been established thereon, the company shall keep the same in repair. R.S.O. 1897, c. 193, s. 79.

*Proceedings to compel repair on requisition to County Judge.*

Proceeding to compel repairs; Inspector of toll roads.

**43**.—(1) The Lieutenant-Governor in Council may, from time to time, designate an officer of the Public Works Department, who shall be known as "The Inspector of Toll Roads."

Inspection when requested by municipality, etc.

(2) It shall be the duty of the Inspector to inspect any roads on which tolls are taken, whenever requested so to do by resolution of the council of any municipality in which the road, or any part of it, is situate, or upon a requisition, signed by at least twenty ratepayers residing within three miles of such road, or from time to time as he may deem necessary. 3 Edw. VII. c. 14, s. 1.

*Sec. 81 repealed by sec. 2 of 3 Edw. VII. c. 14.*

Notice to company by inspector of non-repair.

**44**.—(1) If upon any such inspection the Inspector is of the opinion that any such road, or portion thereof, is out of repair, he shall notify the company by leaving a written notice at its office or place of business, if any, within the

county

county wherein the road is situate, where the office or place of business is known to the Inspector, and, if not so known, then by leaving the notice with any of the keepers of the toll gates of the company. 3 Edw. VII. c. 14, s. 3.

Contents of.

(2) The notice shall state that the Inspector has inspected the road and found it out of repair, and shall specify the particular portion of it which he finds out of repair, and shall require the company to cause the same to be repaired within a time, to be named in the notice, sufficient, in the opinion of the Inspector, for making the required repairs. R.S.O. 1897, c. 193, s. 82 (2); 3 Edw. VII. c. 14, s. 4.

Proceedings on expiration of time limited in notice.

(3) At the expiration of the time limited in the notice the Inspector shall again examine the road, and if he finds it repaired in a good and efficient manner, he shall so certify it, if required by the company. R.S.O. 1897, c. 193, s. 83 (1); 3 Edw. VII. c. 14, s. 6, *part*.

Allowance of further time to repair.

(4) If he does not find it so repaired, he may, in his discretion, by a permission in writing, allow further time for repairing without discontinuing the taking of tolls. R.S.O. 1897, c. 193, s. 83 (2).

No tolls to be charged when road not repaired.

(5) If he does not think proper to grant such permission, or, if having granted it, he does not find the road properly repaired at the expiration of the time limited in such permission, then, until such repairs are completed, neither the company nor municipal council, as the case may be, shall demand or take tolls at any gate upon the road where the whole road is reported to be out of repair, or where a portion of the road only is out of repair, for passing through the nearest toll-gates on either side of such portion, under the penalty mentioned in section 47, until the Inspector has again examined the road, and certified it to be in good and efficient repair. R.S.O. 1897, c. 193, s. 83 (3); 3 Edw. VII. c. 14, s. 6, *part*.

Repair of road or bridge by municipality on failure of company to do so.

(6) If, upon the inspection mentioned in subsection 1, any bridge, or any portion of the road, is, in the opinion of the Inspector, in such a condition as to be dangerous to public travel, and if the company fails or refuses to put such bridge or portion of the road in repair, within such time as the Inspector allows, and after notice given, as provided by subsections 1 and 2, the council of the municipality in which the bridge or road is situate, may, with the consent and under the direction of the Inspector, cause such bridge or portion of the road to be repaired sufficiently to remove the cause of danger, and the company, until the Inspector otherwise directs, shall not collect tolls unless it has reimbursed the municipality for the outlay made in connection with such repair. *New*.

*Sec.*

[*Sec. 84 repealed by 3 Edw. VII. c. 14, s. 7.*]

[*Sec. 85 (1) repealed by same, s. 8.*]

Materials not to be removed from road.

(7) After the notice of the Inspector, and until the repairs have been completed, the company shall not, nor shall any person, destroy, take, remove, or carry away from the road any earth, stone, gravel, or other material forming any part of the road, or having been used in the construction of it, nor any toll-house, toll-gate, toll-bar, or any appendages thereto. R.S.O. 1897, c. 193, s. 85 (2); 3 Edw. VII. c. 14, s. 8.

Penalties.

(8) The company, or any person, contravening any provision of subsection 7 shall incur the penalties mentioned in section 63, and the penalties when recovered shall be paid over to the treasurer of the municipality. R.S.O. 1897, c. 193, s. 85 (3).

Special report by Inspector.

**45.**—(1) The Inspector may make a special report to the Minister of Public Works, that the road inspected by him is, as to the whole or as to a specified portion thereof, so much out of repair as, in his opinion, to justify an order for the cesser of the right to tolls, in respect to the whole or to the portion of the road, specified.

Cesser of right to tolls after service of report.

(2) After service of a copy of the report on the company, in the manner provided for the service of the notice mentioned in subsections 1 and 2 of section 44, neither the company nor any person authorized by it, shall demand or take tolls at any gate upon the road, where the whole road is reported to be out of repair, or where a portion of the road only is reported to be out of repair, for passing through the nearest toll-gates on either side of such portion, under the penalty mentioned in section 47, until the Inspector has again examined the road and certified it to be in good and efficient repair. R.S.O. 1897, c. 193, s. 82 (3); 3 Edw. VII. c. 14, s. 5.

Partial want of repair.

**46.**—(1) In case of sudden damage to or the destruction of any portion of a road, or of a bridge or culvert, caused by freshet or fire, or if the directors desire to take down any bridge or culvert for the purpose of rebuilding the same, the Inspector, if the remaining portions of the road are in a suitable state of repair, shall allow a reasonable time for the repair of such portion of the road, or the erection or construction of such bridge or culvert, and shall give notice in writing to the company of the time so allowed; and the company may collect tolls during the time specified in the notice. R.S.O. 1897, c. 193, s. 86 (1); 3 Edw. VII. c. 14, s. 9 (1).

(2)

Temporary passage

(2) Where the company is entitled to take toll under the provisions of the next preceding subsection, the company, within a time to be fixed by the Inspector, shall provide a temporary passage to enable any persons travelling over the road to safely pass the portion of road, bridge or culvert so out of repair or being taken down. R.S.O. 1897, c. 193, s. 86 (2); 3 Edw. VII. c. 14, s. 9 (2).

Neglect to repair

(3) If the company does not erect or construct such bridge or culvert, or repair such portion of road, within the time specified in the notice, or does not provide such temporary passage, the portion of the road so damaged, or whereon the bridge or culvert so damaged or destroyed existed, shall be deemed to be out of repair, and the Inspector shall thereupon give to the company a notice in the manner provided in section 44. R.S.O. 1897, c. 193, s. 87 (1); 3 Edw. VII. c. 14, s. 10.

Company's right to tolls.

(4) The notice shall state that the time fixed for the repair of the portion of the road, or of the bridge or culvert, or for the reconstruction of such bridge or culvert, or for the making of the temporary passage, has expired, and that the repairs or reconstruction have not been completed, or that the temporary passage has not been made, and that henceforth, until the repairs or reconstruction have been fully completed, the company shall not demand or take tolls at the gate or gates at or on either side of the portion or portions of the road, bridge or culvert so out of repair or being reconstructed, under the penalties imposed by the next succeeding section. R.S.O. 1897, c. 193, s. 87 (2).

Penalty for taking toll when the road is out of repair.

**47**. If after the expiration of the time limited in the notice or permission referred to in section 46, or the notice referred to in the next preceding section, and before the required repairs have been completed, any person, acting as a keeper of such toll-gate, demands or takes toll, or refuses to allow a person travelling to pass through the toll-gates without payment thereof, he shall incur a penalty of not less than $1 or more than $4 for every such offence. R.S.O. 1897, c. 193, s. 88; 3 Edw. VII. c. 14, s. 11.

[*Sections 89 to 101 repealed by 3 Edw. VII. c. 14, s. 12.*]

County may assume road on expiration of time fixed for repair.

**48**. If the company permits or allows the road to remain out of repair for nine months after the time fixed by the Inspector for the repair of the same, the company shall forfeit all right to the road, and the municipal council of the county, through which the road or any part thereof passes, may assume, and may enter upon and take possession of, the same, and exercise the same jurisdiction over it as the company was entitled to, and the council may repair the same in

accordance

accordance with the notice of the Inspector; and after the repairs have been made, may collect tolls thereon, and shall possess and enjoy all the rights and powers, and be subject to all the duties and requirements of this Act, in reference to such road. R.S.O. 1897, c. 193, s. 102; 3 Edw. VII. c. 14, s. 13.

If not assumed by county to become a public highway. 3 Edw. VII. c. 19.

**49.** If the council of the county does not, within the period of one month next after the expiration of such nine months, by by-law assume the road, it shall become a public highway repairable as is provided by *The Consolidated Municipal Act, 1903*. R.S.O. 1897, c. 193, s. 103.

Alterations in grades.

**50.** Nothing in this Act shall authorize the Inspector to require alteration in the grades of a road or of the materials of which a bridge is constructed unless the bridge is otherwise out of repair, except so far as may be incidentally necessary in making repairs; but this section shall not relieve the company from any obligation in respect of grades. 3 Edw. VII. c. 14, s. 17; 4 Edw. VII. c. 14, s. 2, *part*.

[*Sections 104 to 115 repealed by 3 Edw. VII. c. 14.*]

ENFORCING REMOVAL OF SNOW.

Enforcing the levelling or removal of snow on toll roads.

**51.**—(1) Upon the written requisition, made, during the months of December, January, February or March, by six freeholders residing within one mile of a road, the engineer of the county shall inspect such road, and if he finds that by reason of the accumulation of snow or ice thereon, the road has become so obstructed that persons cannot safely and conveniently travel thereon with horses and vehicles, and has been so obstructed for one week, he shall give notice to the company that until the snow is removed or levelled as required by such notice, no toll shall be taken upon such road, or at the gates thereon specified in the notice; and thereafter no tolls shall be taken upon such road, or at such gates, until the engineer has given his certificate in writing that the snow has been so removed or levelled in compliance with his order.

Notice by engineer.

No tolls to be charged while snow unremoved.

Engineer's certificate of removal.

(2) The engineer, after giving the notice, shall, when required in writing by the company, make an inspection of the road, and if he finds that his order has been complied with, shall give the certificate mentioned in the next preceding subsection.

Service of notice.

(3) The notice may be served in the manner mentioned in section 44. R.S.O. 1897, c. 193, s. 116.

SALE

SALE OF ROADS UNDER EXECUTION.

The interests of companies may be sold under execution

**52.**—(1) The right and interest of a company in or to a road, or any part of it, may be sold under execution against the company. R.S.O. 1897, c. 193, s. 117.

If purchaser repays expenditure, he may collect tolls and is invested with road

(2) The purchaser at such sale may, at any time within two years from the time of the sale, reimburse and pay to the municipal corporation which has made any outlay for the repair and maintenance of the road or the part so purchased, the amount expended by it; and thereupon the head of the council of such municipality shall give to the purchaser a certificate to that effect, under his hand and the seal of the corporation.

On registration of certificate of repayment road vested in purchaser with right to collect tolls

(3) Upon the registration of the certificate in the proper registry or land titles office, the road, or the part so purchased shall become vested in and be the property of the purchaser, and the provisions of sections 48 and 49 shall thenceforth cease to apply to or in respect of the road, or the part so purchased, and the purchaser shall have the same right to collect tolls and all such other rights and privileges, and be subject to the same duties and obligations in respect to the road, or the part so purchased, as if the sale had taken place before the right to collect tolls had been suspended. R.S.O. 1897, c. 193, s. 118 (1).

If purchaser does not repair the road, it is to revert to municipality

(4) Unless the purchaser within twelve months after he has paid to the municipal corporation the amount of the outlay, causes the road, or such portion as is out of repair, to be put in a proper state of repair, and procures the certificate of the Inspector that the same has been done, and thereafter keeps the road, and every portion thereof, in a proper state of repair, the purchaser shall forfeit his property in the road, or in the part thereof so purchased by him, and the same shall again become vested in the corporation of the municipality or municipalities as if this section had not been enacted. R.S.O. 1897, c. 193, s. 118 (2); 3 Edw. VII. c. 14, s. 15.

[*Sec. 119 repealed by 3 Edw. VII. c. 14, s. 16.*]

Application of s. 52

**53.** The next preceding section shall apply to all roads or portions of roads, the outlay upon which was, before the 29th day of March, 1873, reimbursed and paid to the municipal corporation, as provided in subsection 2 of section 52. R.S.O. 1897, c. 193, s. 120.

Certain purchasers to keep roads in repair.

**54.** Any purchaser of a road, or any portion of a road, who has heretofore reimbursed and paid to any municipal corporation the amount of outlay, as provided by the Acts heretofore

heretofore in force, and has complied with the provisions thereof, shall keep the road, and every portion thereof, in a proper state of repair, and, in case of failure to do so, shall forfeit his property in the road, or in the portion thereof, so purchased by him, and the same shall again become vested in the corporation of the municipality or municipalities, as if this section had not been enacted. R.S.O. 1897, c. 193, s. 121.

OFFENCES AND PENALTIES.

Owner or lessee of toll road to display red light on gates when closed.

**55**. Every owner, lessee, or person having control of any road or bridge upon which tolls are collected, shall cause a bright red light to be displayed upon every gate or toll bar on such road whenever the gate or bar is closed, between sunset and sunrise, and in default shall be liable for the damages sustained by any person by reason of such default, and shall also incur a penalty of not less than $5 and not more than $20 for every such offence. R.S.O. 1897, c. 193, s. 122.

Penalty for taking more than the proper toll.

**56**.—(1) Any lessee or collector of tolls who takes a greater toll than is authorized by law, shall for every such offence incur a penalty of $20.

Application of penalty.

(2) The penalty shall be payable to the complainant, if he is the person from whom excessive toll was taken, and where he is not the person from whom excessive toll was taken, one-half of the penalty shall be payable to the complainant and one-half to such person. R.S.O. 1897, c. 193, s. 123.

Penalty for passing or attempting to pass gates, etc., without payment of toll.

**57**. If any person, not exempted by law from paying toll, wilfully passes, or attempts to pass, any toll-gate, check-gate or side-bar lawfully established, without first paying the legal toll, he shall incur a penalty not exceeding $20. R.S.O. 1897, c. 193, s. 124.

Mode of enforcing payment of tolls in case of refusal to pay.

**58**.—(1) If any person, subject or liable to the payment of any toll, neglects or refuses, after demand thereof, to pay the same, the person authorized to collect such toll may by himself, or taking such assistants as he thinks necessary, seize or distrain any horse, cattle, vehicle, or other thing in respect of which such toll is payable, together with their respective bridles, saddles, gear, harness or accoutrements, except the bridle or reins of any horse or other animal separate from such horse or animal, or any vehicle in respect of the horses or animals drawing the vehicle on which such toll is payable, or any of the goods and chattels of the person so required to pay. R.S.O. 1897, c. 193, s. 126.

If toll not paid within four days after seizure sale to take place.

(2) If the toll and the reasonable charges of such seizure and distress, are not paid within four days after such seizure and distress, the person so seizing and distraining, after having given four days' public notice thereof, may sell the horse,

animal, cattle, vehicle, and things so seized and distrained, or a sufficient part thereof, returning to the owner, upon demand, the overplus, if any, and what remains unsold after such tolls and the reasonable charges occasioned by the seizure, distress and sale, have been deducted. R.S.O. 1897, c. 193, s. 127.

Penalty on persons using a road and turning off the same in order to avoid payment of toll.

**59**. Any person who, after proceeding on a road with any vehicle or animal in respect of which toll is payable, turns out of the road for the purpose of avoiding the payment of toll, and enters upon the road beyond any of the gates or check-gates, by crossing the road or otherwise, without paying toll, whereby the payment of toll is evaded, shall for every such offence incur a penalty of $4. R.S.O. 1897, c. 193, s. 128.

Owner allowing persons to evade tolls by passing over his lands.

**60**. Any person who, with intent to aid in the evasion of the payment of toll, knowingly permits or suffers any other person proceeding on a road to pass through any land adjoining such road, and occupied by such first mentioned person, or through any gate thereon with any vehicle or animal in respect of which toll is payable, for the purpose of enabling the person so proceeding on such road to pass through such land and to enter upon such road beyond any of the gates or check-gates, and to proceed thereon without paying toll and thereby evade payment of the toll, shall incur a penalty of $4. R.S.O. 1897, c. 193, s. 129.

Penalty on persons leaving horses, etc., on the road so as to avoid payment of toll.

**61**. Any person who leaves upon a road any vehicle or animal, by reason whereof the payment of any toll is evaded or lessened, or takes off any animal from any vehicle, either before or after having passed through any toll-gate, or, after having passed through any toll-gate, adds or puts any animal to any such vehicle and draws therewith upon any part of any such road, so as to increase the number of animals drawing the vehicle after the same has passed through such toll-gate, whereby the payment of all or any of the tolls has been evaded, shall incur a penalty of $4. R.S.O. 1897, c. 193, s. 130.

Penalty on persons falsely claiming exemption.

**62**. Any person who falsely represents himself to any toll-collector, or gate-keeper, as being entitled to any exemption mentioned in this or any other Act, or evades the payment of toll by any false representation or other fraudulent act, shall incur a penalty of $4. R.S.O. 1897, c. 193, s. 131.

**63**. Any person who—

Penalty on persons removing materials used in constructing road.

(*a*) Removes any earth, stone, timber or other material, used, or intended to be used, in or upon any road for the construction, maintenance or repair thereof; or

(*b*)

(*b*) Drives any loaded vehicle upon that part of any road constructed under this or any former Act, between the stones, or hard road and the ditch, further than may be necessary in passing another vehicle, or in turning off or upon such road; or

Or driving off the metal and on the soft part of the road.

(*c*) Causes any injury or damage to be done to the bridges, culverts, posts, rails or fences; or

Damaging bridges, etc.

(*d*) Hauls or draws upon any part of any such road, any timber, stone or other thing carried principally or in part upon a vehicle so as to drag or trail upon such road to the prejudice thereof; or

Hauling timber, etc., so as to injure the road.

(*e*) Leaves any vehicle upon such road without some proper person in the custody or care thereof, longer than is necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than is necessary to remove the same; or

Leaving any carriages on the road.

(*f*) Places any timber, stones, rubbish or other thing upon the road, to the prejudice, interruption or danger of any person travelling thereon; or

Laying timber, stones, rubbish.

(*g*) Having blocked or stopped any vehicle in going up a hill or rising ground, causes or suffers to remain on such road any stone or other thing with which such vehicle was blocked or stopped; or

Leaving stones in the road used to block carriage.

(*h*) Pulls down, damages, injures or destroys any lamp or lamp-post, erected or placed in or near the side of such road, or any toll-house erected on such road, or wilfully extinguishes the light of any such lamp; or

Injuring lamp posts, etc.

(*i*) Wilfully pulls down, breaks, injures or damages any table of tolls put or fixed at any gate, check-gate or bar, on any part of such road, or any sign-board erected upon any road or bridge; or

Damaging table of tolls, etc.

(*k*) Wilfully or designedly defaces or obliterates any of the letters, figures or marks thereon or on any finger post or mile post or stone; or

Defacing mile posts, etc.

(*l*) Throws any earth, rubbish or any other matter or thing into any drain, ditch, culvert, or water-course made for draining any such road; or

Throwing rubbish into drains.

Carrying away any stones, gravel, etc.

(*m*) Without permission carries away any stones, gravel, sand or other materials, dirt or soil, from any part of such road, or digs any holes or ditches on the allowance for the same; or

Allowing swine to run at large.

(*n*) Allows any swine to run at large to the injury of the road;

shall incur a penalty of not more than $10 nor less than $1, and shall in addition be liable for the damages sustained by the company for any such act. R.S.O. 1897, c. 193, s. 132.

Company and their servants not to impede the free use of the whole graded portion of the road.

**64**.—(1) No company, or contractor, or sub-contractor, and no person employed by them or any of them, shall leave or place upon the graded part of any road, whether it is or is not macadamized or gravelled, any stone, gravel, timber or other material so as to prevent the public from using or to impede the free use of the whole of such graded portion of the road.

Penalties.

(2) For every contravention of this section, such company, contractor or sub-contractor, or other person shall incur a penalty of not less than $1 nor more than $20, and shall in addition be liable for the damages sustained by any person by such act. R.S.O. 1897, c. 193, s. 134.

Application of fines, etc., when not otherwise provided. 10 Edw. VII. c. 37.

**65**. The penalties imposed under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and unless otherwise provided, shall, when recovered, be paid to the company. R.S.O. 1897, c. 193, s. 138.

Actions to be brought within six months.

**66**. No action shall be brought for any thing done in pursuance of this Act, unless such action is brought within six months next after the fact committed. R.S.O. 1897, c. 193, s. 139.

MISCELLANEOUS.

Directors to report annually.

**67**.—(1) Every company in the month of January in each year, shall report to the Minister of Public Works, and also to the municipal council of the county having jurisdiction within the locality through or along the boundary of which the road passes, or wherein the other work has been constructed—

Cost of road.

(*a*) The cost of the road or work;

Amount expended.

(*b*) The amount of all money expended;

(*c*) The amount of the capital stock, and how much paid in; Capital stock.

(*d*) The whole amount of tolls expended on the road or work; Tolls expended.

(*e*) The amount received during the year from tolls and all other sources, stating each separately; Receipts.

(*f*) The amount of dividends paid; Dividends.

(*g*) The amount expended for repairs; and Repairs.

(*h*) The amount of debts due by the company, specifying the object for which such debts were incurred. Debts.

(2) The return required by this section shall be verified by a statutory declaration of one of the directors of the company. Verification of.

(3) A company which contravenes the provisions of this section shall incur a penalty of $50 for each contravention, and an additional penalty of $25 for each month during which the company neglects to make such return, recoverable by the Treasurer of Ontario by action in any court of competent jurisdiction. R.S.O. 1897, c. 193, s. 141. Penalty.

**68.**—(1) Every company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the company. R.S.O. 1897, c. 193, s. 142. Company to keep regular books.

(2) Such books shall at all times be open to the inspection of the Inspector and of any person appointed for that purpose by the council of the municipality in which the road or part thereof is situate. R.S.O. 1897, c. 193, s. 143. Books to be open to inspection.

(3) The Inspector, and every person so appointed, may take copies of or extracts from the books, and may require from the keeper of such books, and also from the president and each of the directors of the company, and from all the other officers and servants thereof, all such information, as to such books and the affairs of the company generally, as he may deem necessary, for the full and satisfactory investigation into and report upon the affairs of the company. R.S.O. 1897, c. 193, s. 144. The officers of the municipality to be afforded all information.

**69.** The council of a municipality, through which a road runs, or the owner of any land lying adjacent to the road, may set out shade and ornamental trees along the side of the road in the same manner and with the same rights as if the road were an ordinary highway. R.S.O. 1897, c. 193, s. 147. Shade trees may be set out on toll roads.

Land by side of toll road may be used for certain purposes as if such road were an ordinary road

**70.** The council of a municipality, through which the road runs, or any person by the permission and direction of the council, may grade, level, cut down or fill up the land along the side of the road, and may construct sidewalks thereon as if the road were an ordinary road or street. R.S.O. 1897, c. 193, s. 148.

Council of municipality may make crossings, etc., on road

**71.** The council of a municipality, through which any road runs, may, without being liable to make compensation to the company, make stone, wood or other crossings on the road, and may dig up the road for the purpose of making sewers, and may construct water courses across or along the side of the road, and culverts and approaches over water courses or ditches crossing or along the side of the road from streets, lanes or buildings, and may raise or lower the road, or change the grade thereof, when necessary to connect with other roads or streets, and shall have all other rights and privileges, with regard to side-walks, culverts and approaches to the road as if the same were an ordinary highway or street, but the council shall in every such case without unnecessary delay replace the road in as good condition as it was before such work was undertaken. R.S.O. 1897, c. 193, s. 149.

(*As to obligation of municipality to repair crossings, etc., see section 608 of The Consolidated Municipal Act, 1903.*)

Ss. 69 to 71 to apply to lessees and owners of roads.

**72.** The last preceding three sections of this Act shall apply to, and be held binding on, any lessee or any owners of such road, whether a joint stock company or otherwise. R.S.O. 1897, c. 193, s. 150.

Certain secs. to apply to all toll roads.

**73.**—(1) The provisions contained in sections 10 to 18, 19, 22 to 26, 28 to 30, and 33 to 68 of this Act, shall extend and apply to all road companies, and to all toll roads whereon tolls are levied and collected, whether such roads may have been constructed under this Act or any Act in section 3 of this Act referred to, or may have been constructed by or belong to the municipality of any county, and to all toll roads which may have been purchased from the Government of the late Province of Canada and are owned or held by private companies or municipal councils, and also to all toll roads owned, leased, held or in the possession of any person or persons.

Certain secs. to apply to all Road Cos having a special charter.

(2) The provisions contained in sections 12 to 18, 19, 22, 28, 32, 33, 37 to 41, and 42 to 68, all inclusive, and this provision, shall extend to road companies having any special charters, but no other sections of this Act shall apply to such companies. R.S.O. 1897, c. 193, s. 151 (2).

**74**. No new bridge over twenty feet in length shall be erected upon any road until the plans and specifications for such class of bridge shall have been approved by the Minister of Public Works. 4 Edw. VII. c. 14, s. 2. Bridges over 20 feet to be approved by Minister.

## PART II.

### PURCHASE AND EXPROPRIATION.

**75**. In this Part:— Interpretation.

(*a*) "Owner" shall include any person, company or municipal corporation having any legal, equitable or other estate or interest in a toll road. 2 Edw. VII. c. 35, s. 7 (1). "Owner."

(*b*) "Road" shall mean a toll road, and shall include any land or easement in any land and any toll house or other building thereon used for the purposes of the road, and the franchise of the owner of the road and any bridge, pier or wharf connected therewith. 1 Edw. VII. c. 33, s. 2, *part*. "Road."

**76**. Where a road lies wholly within a township the council of the township, and where a road lies wholly within one or more local municipalities in the same county, the council of the county, may pass a by-law for the purchase or expropriation of the road, and if the council and the owner of the road are unable to agree as to the price or compensation to be paid for the road the same shall be determined by arbitration under *The Consolidated Municipal Act, 1903*. 2 Edw. VII. c. 35, s. 1, *part*. By-law for purchase or expropriation where road wholly in township, or in one or more local municipalities. 3 Edw. VII. c. 19.

**77**.—(1) Where a road lies, partly in one or more local municipalities in a county and partly in a city, separated town, or in one or more local municipalities in another county, or where a road lies wholly within the county and a city or separated town therein or a city, separated town or township in an adjoining county is by reason of heavy travel over the road thereto or therefrom interested in the purchase of the road and the abolition of the tolls, the council of the first-mentioned county, may pass a by-law for the purchase or expropriation of such road, and if the council of the initiating county and the owner of the road are unable to agree as to the price or compensation to be paid therefor, the same shall be determined by arbitration under *The Consolidated Municipal Act, 1903*. By-law of initiating county for purchase or expropriation. Arbitration on non-agreement as to price.

(2) Where the council of the initiating county and the council of the city, separated town or township or other county are unable to agree as to the proportions of the price or compensation to be paid by them respectively, the Arbitration on non-agreement as to proportions of purchase money.

same

1 Edw. VII. c. 19.

same shall be determined by arbitration under *The Consolidated Municipal Act, 1903*. 2 Edw. VII. c. 35, s. 1, *part*.

Where compensation is not to be awarded.

(3) If in the case of the acquisition of a road lying wholly within the initiating county the arbitrators are of the opinion that the city, separated town or township is not by reason of heavy travel thereto or therefrom over the road, interested in the purchase of the road and the abolition of the tolls they shall not award that any part of the price or compensation be paid by the corporation of the city, separated town or township.

Where owner a corporation.

**78**. If the owner of the road is a corporation, it may, with the consent of a general meeting of the shareholders, called for the purpose, agree with the council as to the price to be paid for the road and the terms of payment, or appoint an arbitrator to determine the compensation to be paid. 2 Edw. VII. c. 35, s. 1, *part*.

Application of 1 Edw. VII. c. 19, to lands taken or injuriously affected.

**79**. In the case of expropriation, except as herein otherwise provided, the provisions of *The Consolidated Municipal Act, 1903*, as to compensation for lands taken or injured shall apply. (*New*.)

By-law deemed repealed if road not taken within one year after award made.

**80**. In the cases provided for by section 76, if the road is not taken and paid for within one year after the publication of the award, the expropriating by-law shall be deemed to be repealed, and the corporation, by the council of which it was passed, shall pay to the owner of the road his costs of and incidental to the arbitration and award, including the arbitrators' fees, if they have been paid by him. 1 Edw. VII. c. 33, s. 8, *part*; 2 Edw. VII. c. 35, s. 4, *part*.

Where election not to take road within one year after award owner to be paid his costs.

**81**. In the cases provided for by section 77, if the council of the initiating county, within one year after the publication of the award elect that the road shall not be taken the corporation shall pay to the owner of the road his costs of and incidental to the arbitration and award, including the arbitrators' fees, if they have been paid by him. 1 Edw. VII. c. 33, s. 8, *part*; 2 Edw. VII. c. 35, s. 4, *part*.

Power of purchasing municipality to pass by-law to borrow amount of purchase money.

**82**. The council of a corporation which has purchased or expropriated a road under the provisions of sections 76 or 77, may pass a by-law for borrowing the amount required to pay the purchase or compensation money for any period not exceeding 30 years, and it shall not be necessary that the by-law shall be submitted for or receive the assent of the electors. 2 Edw. VII. c. 35, s. 2, *part*.

Assent of electors.

Power of initiating county and other municipalities to pass such by-law.

**83**. The council of the initiating county and of the city, separated town, township or other county, in case the road has been purchased or expropriated under the provisions of subsection 1 of section 77, may respectively pass by-laws for borrowing the amount required to pay the corporation's share of the purchase or compensation money for any period not exceeding 30 years, and it shall not be necessary that any such by-law shall be submitted for or receive the assent of the electors. 2 Edw. VII. c. 35, s. 2, *part*.

Assent of electors.

Local municipality not materially or only slightly benefited may be paid bonus.

**84**. Where the corporation of a county which has purchased or expropriated a road under the provisions of this Part, or which is liable under the provisions of section 77 to pay a part of the purchase or compensation money to be paid for a road purchased or expropriated under the provisions of that section, is of opinion that any local municipality in the county is not materially or is only slightly benefited by the acquisition of the road or the abolition of the tolls thereon, the corporation of the county may pay to the corporation of such local municipality such sum by way of bonus as the council may deem sufficient to equalize the burden imposed on it by the acquisition of the road, or in the alternative where the road is situated in but one or in a small number of the municipalities in the county, or where some of the municipalities are not, in the opinion of the council, interested in the acquisition of the road or the abolition of the tolls thereon, such council may by the by-law apportion the indebtedness to be created by the by-law between the local municipalities in the county as the council may deem just, and may provide that the portion of the indebtedness to be borne by each of the municipalities, as so apportioned, and the interest thereon, shall be provided for by a special rate on the rateable property in such municipality, or the council may, in its discretion, equalize the burden by granting a bonus to any such municipality as the council may deem best. 2 Edw. VII c. 35, ss. 2, 3, *part*.

Amount of bonus may be added to sum borrowed.

**85**. Where the council determines to grant a bonus to a municipality under the provisions of the next preceding section, the council may provide that the amount of the bonus shall be added to the sum to be borrowed to pay the purchase or compensation money or the portion of it which the county is to pay in the cases provided for by section 83. 2 Edw. VII. c. 35, s. 2, *part*.

County clerk to transmit each year to clerks of local municipalities amounts to be levied.

**86**. The clerk of the county council shall, on or before the 31st day of December in each year, transmit to the clerk of each local municipality a written statement of the amount to be levied by it during the next ensuing year for the purpose of providing the amount necessary to meet the annual payments provided for by the by-law, and the council of

such

such municipality shall levy the amount accordingly, and pay over the same when collected to the treasurer of the county. 1 Edw. VII. c. 33, s. 11.

Subject to following section road to be free of toll.

**87**. Subject to the provisions of the next following section, where a road is acquired by a corporation under the provisions of this Part, the road shall thereafter be free of toll, and shall be a common and public highway, and shall be kept in repair by the corporation. 1 Edw. VII. c. 33, s. 12, *part*.

Abolition of tolls may be deferred, but for not more than ten years.

**88**. The council of the county or of the township, which has acquired the road, may defer the abolition of tolls for a period of not more than ten years, and may, during that time, apply the proceeds of the tolls towards the payment of the debentures issued under the authority of this Part, and, in the case of a township, the road shall be kept in repair by the corporation of the township, and in the case of a county, shall be kept in repair by the local municipalities in the county in which the road is situate, or by such of them as the council of the county shall, by by-law, determine and prescribe. 1 Edw. VII., c. 33, s. 12 *part*.

On petition of 50 electors by-law to fix date for abolition of tolls.

**89**. Where a road is owned by the corporation of a township within which it is situate, the council of the township shall, within three months after the receipt of a petition, signed by 50 municipal electors, requiring it so to do, pass a by-law fixing a date, not later than ten years from the passing of the by-law, upon which the collection of tolls shall cease. 1 Edw. VII., c. 33, s. 13, *part*.

Council may submit by-law for assent of electors.

**90**. The council may, before the passing of the by-law, submit it, or the question of passing such a by-law, for the assent of the electors, and, if their assent is not obtained, the council shall not be bound to pass the by-law. 1 Edw. VII., c. 33, s. 13, *part*.

Tolls to be paid to treasurer for maintenance of road.

**91**. Where a by-law has been passed under the provisions of the next preceding two sections all tolls thereafter collected shall be paid over monthly to the treasurer of the municipality, and shall be applied to the maintenance of roads within the municipality as the council may by by-law direct. 1 Edw. VII., c. 33, s. 14.

No tolls to be collected on part of road within city or town.

**92**.—(1) When a road has been acquired by a county under the provisions of this Part, and the tolls thereon have been removed, tolls shall not be collected from any part of the road which lies within the limits of a city or separated town, and thereafter the road so far as it lies within the county shall be under the jurisdiction of the county council within the meaning of *The Consolidated Municipal Act, 1903*. 2 Edw. VII., c. 35, s. 6.

3 Edw. VII. c. 19.

(2)

(2) The corporation of any town, not separated from the county, township or village within the county may, with the consent of the corporation of the county, purchase, take over or otherwise acquire such road or the part of it lying within or adjoining such town, township or village, and may provide for the payment of the purchase money out of the general funds of the corporation; and the road so acquired shall be a common and public highway, and shall be kept in repair by the corporation of the municipality by which it is acquired. 5 Edw. VII., c. 13, s. 24.

Right of local municipality to acquire any part of road within or adjoining same.

**93**. Chapters 193 and 239 of the Revised Statutes of Ontario, 1897; chapter 33 of the Acts passed in the first year; chapter 35 of the Acts passed in the second year; section 58 of chapter 7, and chapter 14, of the Acts passed in the third year; section 68 of chapter 10, and chapter 14, of the Acts passed in the fourth year; section 24 of chapter 13 of the Acts passed in the fifth year, and chapters 28 and 44 of the Acts passed in the sixth year of the reign of His late Majesty King Edward the Seventh, are repealed.

Rev. Stat. cc. 193, 239; 1 Edw. VII. c. 33; 2 Edw. VII. c. 35; 3 Edw. VII. cc. 7, 14; 4 Edw. VII. c. 10, s. 68; 4 Edw. VII. c. 14; 5 Edw. VII. c. 13, s. 24; 6 Edw. VII. cc. 28, 44, repealed.

CHAPTER

# CHAPTER 51.

## An Act respecting Exemptions from Tolls.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Tolls Exemption Act.*

Exemption from toll.

**2.** The following shall be exempt from the payment of any tolls or charges on embarking or disembarking from or upon any pier, wharf, quay, or landing-place, or passing any road or bridge, or passing any toll-gate or road:

Officers and soldiers on duty.

(*a*) His Majesty's officers and soldiers, including the militia, being in proper staff or regimental or military uniform, dress or undress, and their horses, but not when passing in any hired or private vehicle unless when on or proceeding to or from duty;

Recruits.

(*b*) Recruits marching by route;

Prisoners.

(*c*) Prisoners under military escort;

Pensioners.

(*d*) Enrolled pensioners in uniform, when called out for training or in aid of the civil power;

His Majesty's horses and carriages.

(*e*) Carriages and horses belonging to His Majesty or employed in His service when conveying such persons or their baggage, or returning therefrom;

Funerals.

(*f*) Persons, horses or vehicles going to or returning from a funeral;

Church, going or returning from.

(*g*) Any person with a horse or vehicle going to or returning from his usual place of religious worship on Sunday or any other statutory holiday;

R.S.O. 1897, c. 193, s. 74. *See also Cap. 238, sec. 2.*

(*h*)

(*h*) Any person, horse or other animal or vehicle merely crossing a road or travelling thereon not more than half a mile in crossing from one transverse road to the transverse road which is nearest to the one from which such crossing was made; Crossing toll road.

(*i*) Any farmer or gardener residing on the line of such road when going to or returning from his work on his farm or garden, or his cattle or other stock when being driven or taken from one farm or garden owned or occupied by him to another part of the same farm or garden when such farm or garden also adjoins such road; but where the farm or garden is not continuous along such road, such farmer or gardener shall not be entitled to travel thereon without toll or to drive or take his cattle or other stock more than one-half mile on any part of such road not adjoining or in front of his farm or garden. R.S.O. 1897, c. 193, s. 60. Farmer or gardener going to work on his own farm.

(*j*) Every person with a vehicle laden solely with manure brought from any city, town or village, and employed to carry such manure into the country parts for the purpose of agriculture, and the horses or other animals drawing such vehicle, passing any toll-gate, on such road within twenty miles of such city, town or village, as well in going from such city, town or village, as in returning thereto if the vehicle is then empty. R.S.O. 1897, c. 193, s. 74. *See also Cap. 238, sec. 4.* Vehicles laden with manure.

(*k*) Every person with a vehicle laden solely with straw and carrying such straw from any township to any city, town or village for the purpose of exchanging the same for manure to be brought back the same day, and the horse or other animal drawing such vehicle, passing any toll-gate, on such road within twenty miles of such city, town or village, as well in going to such city, town or village as in returning therefrom, if the vehicle is then laden solely with manure. 6 Edw. VII. c. 28, s. 1. Vehicles laden with straw.

(*l*) Vehicles carrying the mails upon a road or bridge, constructed by the Government or Board of Works of the late Provinces of Canada or Upper Canada, and transferred to a company on con- Mail carriages, etc.

dition

Exception as to certain roads

Exception limited on the roads last mentioned.

Rate of toll if mail carriage has more than 4 or 8 passengers respectively.

dition that the mails should pass free over the same, except a mail stage or other vehicle drawn by two horses and carrying the mail, and having more than four passengers, or a mail stage or other vehicle drawn by four horses and carrying the mail, and having more than eight passengers, but every mail stage or vehicle drawn by two horses and containing more than four passengers, and every mail stage or vehicle drawn by four horses and containing or having more than eight passengers travelling thereby, shall for every extra passenger beyond four or eight respectively be liable at each gate to a toll of two cents. R.S.O. 1897, c. 193, ss. 75, 76.

Application of Act.

**3**. This Act shall not extend to any toll-bridge, the tolls on which are vested in any person other than the Crown. R.S.O. 1897, c. 238, s. 5.

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CHAPTER

# CHAPTER 52.

## An Act respecting Snow Fences.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Snow Fences Act. New.* Short title.

**2.**—(1) The council of every township, city, town, and village may pass by-laws requiring the owners or occupiers of lands bordering upon a public highway to take down, alter, or remove any fence which causes an accumulation of snow or drift so as to impede or obstruct travel. Councils may require owners or occupants of land to remove fences.

(2) The council shall make such compensation to the owners or occupants for the taking down, alteration or removal of such fence and for the construction in lieu thereof of some other description of fence approved of by the council, as may be mutually agreed upon; and in default of agreement the compensation shall be determined by arbitration, and three fence viewers appointed by the council shall be the arbitrators. R.S.O. 1897, c. 240, s. 1; 1 Geo. V. c. 62, s. 1. Making compensation therefor.

**3.**—(1) If the owner or occupant refuses or neglects to take down, alter, or remove the fence, as required by the council, the council, after the expiration of two months from the time the compensation has been agreed upon or determined by arbitration, may take down, alter, or remove such fence and may construct the fence which has been approved of by the council, and the amount of all costs and charges thereby incurred by the council over and above the amount of compensation may be recovered from such owner or occupant, by action in any Division Court having jurisdiction in the locality, and the amount of the judgment, if not sooner paid, shall be placed by the clerk of the municipality upon the collector's roll against the lands upon or along the boundaries Power in case of neglect or refusal by owner or occupant to construct fence as directed.

of

of which the fence is situate, and shall be collected as other taxes.

Occupant may deduct amount paid from rent.

(2) Where an occupant, other than the owner, is required to pay such sum, or any part thereof, he may deduct it, and any costs paid by him, from the rent payable by him, or may otherwise recover the same, unless he has agreed with the landlord to pay it. R.S.O. 1897, c. 240, s. 2.

Duties of arbitrators.

(3) The arbitrators shall examine the premises and shall, if required, hear evidence.

Fees.

(4) The arbitrators shall be entitled to $2 a day, which shall be paid by the corporation of the municipality if the amount of the award exceeds the amount offered by the corporation, otherwise by the owner or occupant.

Award to be filed in office of clerk.

(5) The award shall be filed in the office of the clerk of the municipality, and an appeal shall lie therefrom to the Judge of the County or District Court of the County or District.

Rev. Stat. c. 284, to apply.

(6) The provisions of *The Line Fences Act* shall *mutatis mutandis* apply to such appeal. 1 Geo. V. c. 62, s. 2.

Power to enter on lands.

**4**.—(1) Every such council may, on and after the 15th day of November in each year, enter into and upon any lands of His Majesty, or of any corporation or person, situate within the municipality, and lying along any public highway, in or adjoining any such municipality, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be suffered by the owner or occupant of the lands so entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration, as provided in section 2.

(2) The snow fences so erected shall be removed on or before the first day of April following. R.S.O. 1897, c. 240, s. 3; 1 Geo. V. c. 62, s. 3.

Repeal.

Rev. Stat. c. 240; 1 Geo. V. c. 62.

**5**. Chapter 240 of the Revised Statutes of Ontario, and Chapter 62 of the Acts passed in the first year of the reign of His Majesty King George V. are repealed.

CHAPTER

# CHAPTER 53.

## An Act to authorize and regulate the use of Traction Engines on Highways.

*Assented to 16th April, 1912.*


TRACTION ENGINES MAY BE USED ON HIGHWAYS, s. 2

CONDITIONS:
- Weight of engine, s. 2.
- Speed, s. 3.
- Width of wheels, s. 4

BRIDGES ON NON-TOLL ROADS TO BE STRENGTHENED, s. 6.

PROVISIONS AS TO TOLL ROADS:
- Notice to gate-keepers, s. 6.
- Bridges to be strengthened, s. 7.
- Tolls, ss. 8-10.
- Penalties, ss. 11-12.

RECOVERY OF DAMAGES, s. 13.

REPEAL, s. 14.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Traction Engines Act.* *New.* Short title.

**2.** Traction engines not exceeding twenty tons in weight may be used upon any highway subject to the provisions hereinafter contained. R.S.O. 1897, c. 242, ss. 1 and 2. *Amended.* Traction engines on highways.

GENERAL CONDITIONS.

**3.** The speed of a traction engine shall at no time in cities, towns and villages exceed the rate of three miles an hour, or elsewhere the rate of six miles an hour. R.S.O. 1897, c. 242, s. 3. *Amended.* Speed.

**4.** The width of the driving wheels of all such engines shall be at least twelve inches, and the wheels of the trucks or waggon drawn thereby shall be at least four inches in width for the first two tons capacity, load and weight of truck included, and at least an additional half inch for each additional ton. R.S.O. 1897, c. 242, s. 4. Width of wheels.

(*Note.*

(*Note.—As to other precautions to be taken when travelling on highways see The Highway Travel Act.*)

(*As to the right of cities and towns to prohibit the use of traction engines on certain streets see The Municipal Act, s. 550 (3).*)

BRIDGES TO BE STRENGTHENED.

Persons running engines to strengthen bridges, etc.

**5.**—(1) Before it shall be lawful to run such engine over any highway whereon no tolls are levied, the person proposing to run the same shall, at his own expense, strengthen all bridges and culverts to be crossed by such engine, and keep the same in repair so long as the highway is so used.

Owners of different engines to contribute.

(2) The cost of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts. R.S.O. 1897, c. 242, s. 10 (1-2).

Certain threshing engines not affected.

(3) The two preceding subsections shall not apply to engines of less than ten tons in weight used for threshing purposes or for machinery for the construction of roadways.

Planks to be laid on surface of bridge.

(4) Before crossing any such bridge or culvert the person proposing to run any traction engine shall lay down on such bridge or culvert planks of sufficient width and thickness to fully protect the flooring or surface of such bridge or culvert from any injury that might otherwise result thereto from the contact of the wheels of such engine; and in default thereof the person in charge and his employer, if any, shall be liable to the corporation of the municipality for all damage resulting to the flooring or surface of such bridge or culvert. 3 Edw. VII. c. 7, s. 43; 4 Edw. VII. c. 10, s. 60. *Amended.*

SPECIAL PROVISIONS AS TO TOLL ROADS.

Notice before use of roads.

**6.** Before any traction engine is run over a toll road, the person proposing to run the same shall leave a notice in writing to that effect with the keeper of any tollgate on such road at least two months previous to the running of such engine, and the notice shall also contain a correct statement of the weight of the heaviest engine proposed to be used. R.S.O. 1897, c. 242, s. 11.

Owners of toll roads to strengthen bridges, etc.

**7.** The owner of such toll road, within two months after the delivery of such notice and upon receiving security for the cost of the improvements required, may cause all bridges and culverts upon the road to be so strengthened as, in the opinion

of

of the Inspector of Toll Roads, will render them safe for the constant passing of such engines. R.S.O. 1897, c. 242, s. 12. *Re-drafted.*

If they do not, owners of engines may do the work, and be reimbursed out of tolls.

**8.**—(1) If the owner of such toll road neglects or refuses to comply with the requirements of the next preceding section, the person proposing to run such engine may do the necessary work at his own expense, and his outlay shall be repaid to him by the remission of tolls upon the passage of his engines, trucks and waggons through the gates upon such road until the whole of such outlay is repaid.

Work to be done to satisfaction of Inspector.

(2) The work shall be performed to the satisfaction of the Inspector of Toll Roads. R.S.O. 1897, c. 242, s. 13. *Re-drafted.*

Tolls.

**9.** The owner of such toll road may levy such tolls as may be imposed by him upon the passage of any engine, truck or waggon through every lawful gate; and if the owner of the engine is dissatisfied with the rate of toll, the same shall be determined by the Inspector of Toll Roads. R.S.O. 1897, c. 242, s. 14, *first part amended.*

Inspector to determine.

Collection of tolls.

**10.** The owner of the road may enforce the payment of such tolls in the manner provided by law for the collection of ordinary tolls upon such road. R.S.O. 1897, c. 242, s. 15. *Amended.*

PENALTIES.

Penalty for contravening Act.

**11.** Every person who contravenes any of the provisions of this Act shall incur a penalty of not less than $5 or more than $25, recoverable under *The Ontario Summary Convictions Act.* R.S.O. 1897, c. 242, s. 16. *Re-drafted.*

Application of penalties.

**12.** The penalties when collected shall be paid over to the treasurer of the local municipality in which the offence was committed. R.S.O. 1897, c. 242, s. 19.

Recovery of damages.

**13.** No penalty or imprisonment shall be a bar to the recovery of damages by an injured person. R.S.O. 1897, c. 242, s. 20.

Rev. Stat. c. 242; 3 Edw. VII. c. 7, s. 43; 4 Edw. VII. c. 10, s. 60, repealed.

**14.** Chapter 242 of the Revised Statutes of Ontario, 1897, section 43 of Chapter 7 of the Acts passed in the 3rd year and section 60 of Chapter 10 of the Acts passed in the 4th year of the reign of King Edward the Seventh are repealed. *New.*

CHAPTER

## CHAPTER 54.

# An Act to amend The Theatres and Cinematographs Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Geo. V., c. 73, s. 3, amended.

**1.** Section 3 of *The Theatres and Cinematographs Act* is repealed, and the following section substituted therefor:—

Regulations by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council shall have power from time to time to impose a license fee upon, and to make regulations for licensing, using and operating of cinematographs, moving picture machines or other similar apparatus, for prescribing the conditions under which such machines shall be operated, for licensing and operating and defining of film exchanges, for prohibiting or regulating films or slides to be exchanged or exhibited, for examining, regulating and licensing operators, and for prescribing the terms and conditions under which such machines shall be operated, or such films sold, leased or exchanged, and shall have every power for such purpose which shall be necessary to carry into effect the terms of this section.

1 Geo. V. c. 73, s. 4, repealed.

**2.** Section 4 of the said Act is repealed and the following section substituted therefor:—

Board of Censors have power to permit the use of slides, etc.

4.—(1) The Lieutenant-Governor in Council may appoint a Board of Censors, to hold office during pleasure, composed of three persons who shall have power to permit the exhibition or absolutely to prohibit or reject all films or slides which it is proposed to use in the Province of Ontario, and to suspend for cause the license of any operator.

(2)

(2) There shall be an appeal from the Board of Censors to the person, body or Court designated and subject to the conditions prescribed by regulation of the Lieutenant-Governor in Council. Appeal from Board.

**3.** Section 6 of the said Act is repealed, and the following section substituted therefor:— 1 Geo. V. c. 73, repealed.

6. All films passed or permitted to be exhibited by the said Board of Censors shall be stamped in such manner that the stamp will show upon the canvas, screen or any substitute therefor, unless otherwise authorized, such authorization to be submitted to the inspection of any person on demand, and no exhibition of such film shall be prohibited by any police officer, or constable, or other person, on account of anything contained in such film. Stamps to show on Canvas.

**4.** Section 8 of the said Act is repealed and the following substituted therefor:— 1 Geo. V. c. 73, s. 8, repealed.

8. Any person in charge of such cinematograph, moving picture machine, or similar apparatus, or the owner, proprietor, manager, or person having control thereof, who uses any such machine for public entertainment without having complied with, or violates, the regulations passed by the Lieutenant-Governor in Council, and without having therefor a license from the Provincial Treasurer, or who exhibits films not authorized by the Board of Censors, as required by this Act, shall be guilty of an offence against this Act. Exhibiting in violation of regulations.

**5.** Section 13 of the said Act is repealed and the following substituted therefor:— 1 Geo. V. c. 73, s. 13, repealed.

13. The Ontario Provincial Police, or a member of the Board of Censors, or such other person appointed under this Act, are hereby empowered and directed at any time to inspect any cinematograph, moving picture machine, or other similar apparatus which is used or kept on premises licensed under this Act, to enforce the provisions of this Act and the regulations passed hereunder. Powers to inspect.

CHAPTER

# CHAPTER 55.

## An Act to amend The Liquor License Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat. c. 245, s. 2, par. 4, amended.

**1.** Paragraph 4 of section 2 of *The Liquor License Act* is amended by striking out the words " or spirituous," in the eighth line, and by adding thereto the following words, " and where such selling is in respect of spirituous liquor each such sale shall be in quantities of not less than five gallons when sold in bulk or one dozen reputed quart bottles or a quantity equivalent thereto when in flasks or bottles of a smaller size, at any one time.

Rev. Stat. c. 245, s. 72; 9 Edw. VII. c. 82, s. 12, amended.

**2.** Section 72 of *The Liquor License Act* as amended by section 12 of *An Act to amend the Liquor License Act,* passed in the 9th year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by striking out the words " any person who " in the first line and inserting in lieu thereof the words " any person who keeps for sale or," and by striking out the figures "$200" and substituting therefor " $500."

Rev. Stat. c. 245, s. 103, amended.

**3.** Section 32 of *The Liquor License Act* is amended by striking out the word " city " in the first line thereof.

62 V. (1) c. 31, s. 4, subss. 1, 2; 9 Edw. VII. c. 82, s. 17; 1 Geo. V. c. 64, s. 16, amended.

**4.** Subsection 1 of section 4 of *The Act respecting Brewers' and Distillers' and other Licenses* as amended by section 47 of *The Act to amend the Liquor License Act,* passed in the 9th year of the reign of His late Majesty King Edward the Seventh, chaptered 82, and by section 16 of *The Act to amend the Liquor License Act* passed in the 1st year of His Majesty's reign, chaptered 64, is amended by adding thereto the following words:

" And

"And provided also that in a municipality in which no tavern or shop license is in force, no liquor shall be stored or kept by any brewer or other person whomsoever, for future delivery to any customer or other person, notwithstanding that the same or some part thereof may have been previously ordered or appropriated to a customer or other person, and any brewer or other person contravening this provision shall be deemed conclusively to have kept liquor for sale without the license therefor by law required.

Storing for future delivery where no license in force.

(*a*) Liquor not actually delivered into the possession of the person for whom it purports to be intended in any such municipality shall be deemed to be kept for sale by the person in whose possession such liquor is found.

When to be deemed to be kept for sale.

(*b*) Any person who suffers or allows any liquor of which he is not the *bona fide* owner to be stored or kept on his premises in any such municipality, shall be guilty of an offence against *The Liquor License Act*.

Permitting liquor to be stored.

Rev. Stat. c. 245.

**5**. Section 67 of *The Liquor License Act* is amended by adding thereto the following subsection:—

Rev. Stat. c. 245, s. 67, amended.

(2) No tavern or shop licensee shall, by himself or by any one on his behalf, take or receive in payment or part payment for liquor or cash or convert into money any time cheque, pay cheque or order for money or money's worth issued in payment of wages or as a voucher therefor to any person not in the employment of such licensee.

Taking or cashing time cheques, etc., for liquor.

**6**. Subsection 1 of section 75 of the said Act is amended by adding thereto the following words: "Provided that no tavern keeper shall be compellable to supply liquor to any person whomsoever except upon the order of a duly qualified medical practitioner."

Rev. Stat. c. 245, s. 75, subsec. 1, amended.

Tavern keeper not compellable to supply liquor.

**7**. Section 76 of the said Act is amended by adding thereto the following words: "And any person so licensed, if he has reasonable ground to suspect from the conduct of any person who has come upon his licensed premises, although not of notoriously bad character, that such person is present for some improper purpose, may request him or her to immediately leave such premises, and unless the request is forthwith complied with such person may be forcibly removed."

Rev. Stat. c. 245, s. 76, amended.

When tavern keeper may request persons to leave premises.

**8**. Section 98 of the said Act is amended by striking out "section 4 of *The Ontario Summary Convictions Act*" and inserting

Rev. Stat. c. 245, s. 98, amended.

10 Edw. VII. c. 21.

inserting in lieu thereof "section 7 of *The Ontario Summary Convictions Act* (1910)."

Rev. Stat. c. 245, s. 111, subs. 1, amended.

**9.** Subsection 1 of section 111 of the said Act is amended by striking out the last fifteen words, and inserting instead thereof the following words: "shall be guilty of an offence against this Act."

Rev. Stat. c. 245, s. 146a; 8 Edw. VII. c. 46, s. 35, amended.

**10.** Subsection 6 of section 146*a* of *The Liquor License Act*, as enacted by section 35 of *The Act to Amend the Liquor License Act*, passed in the 9th year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by adding thereto the following words: "but any Provincial License Inspector may, nevertheless at any time, inspect any hotel situate in any municipality or locality to which subsection 1 applies, and if the Inspector finds the accommodation provided in any such hotel falls below the standard usually provided in licensed hotels in other similar municipalities or localities, he shall report the facts to the Minister for his information."

Inspection of hotels in local option municipalities.

1 Geo. V. c. 64, s. 2, amended.

**11.** Section 2 of the Act passed in the first year of His Majesty's reign, chaptered 64, is amended by adding at the end thereof the words: "or the License Inspector for the district in which such license-holder resides."

Rev. Stat. c. 245, amended.

**12.** *The Liquor License Act* is amended by adding thereto the following section:

Prohibiting sale, etc., of liquor near public works.

158.—(1) The Lieutenant-Governor in Council whenever he deems it expedient, owing to the construction of any public work in Ontario, or for any other reason, may declare by proclamation that upon and after a day named therein no liquor shall be sold or kept for sale within the limits of any place or district designated in the proclamation by any person licensed to sell liquor by retail, and the license of any such person shall thereupon become suspended and be of no effect during the time any such proclamation is in force; but the proportionate part of any license duty paid by such person having regard to the period during which such license is suspended, shall be returned to such license holder out of any moneys available for that purpose.

"Public work," meaning of.

(*a*) In this section "public work" shall mean and include any railway, canal, road, bridge or other work of any kind, and any lumbering or mining operation carried on by the Government of Canada

Canada or of this Province or by any municipal corporation or by any incorporated company or by private enterprise.

Prohibiting unlicensed persons from having liquor in possession.

(2) Such proclamation may also declare that while it remains in force no unlicensed person shall have in his possession within the limits of any such place or district, except under the order of a duly qualified medical practitioner, any liquor whatever; but this provision shall not be deemed to apply to a chemist or druggist carrying on business as such within the said limits nor to any person whose license has been temporarily suspended.

Proclamation withdrawing prohibition.

(3) The Lieutenant-Governor in Council may, in like manner, from time to time, declare such proclamation to be no longer in force in any such place or district or any part thereof.

Publication.

(4) Every proclamation issued under this section shall be published in the next following issue of the *Ontario Gazette*.

Not to apply to cities.

(5) No such proclamation shall have effect within the limits of any city.

Penalty.

(6) While such proclamation remains in force every person who sells or keeps for sale or has in his possession any liquor in violation of the terms thereof shall be guilty of an offence and shall incur a penalty of not less than $100 and not more than $500, or may upon conviction for such offence be imprisoned for any period not less than one month and not exceeding four months.

Persons found drunk in local option municipality, compellable to name vendor.

**13**. Where in a municipality in which a by-law passed under section 141 of *The Liquor License Act* is in force, a person is found upon a street or in any public place in an intoxicated condition owing to the drinking of liquor, he shall be guilty of an offence against the said Act, and upon any prosecution for such offence he shall be compellable to state the name of the person from whom and the place in which he obtained such liquor, and in case of his refusal to do so he shall be imprisoned for a period not exceeding three months or until he discloses such information.

6 Edw. VII. c. 47, s. 26, amended.

**14**. Section 26 of the Act passed in the sixth year of the reign of His late Majesty King Edward the Seventh, chap-

tered

tered 47, is amended by inserting after subsection 3 thereof the following subsection:—

Labelling or stamping by unauthorized persons

3a. No person, other than the manufacturer of the said liquor, or persons acting under his authorization, shall attach or cause to be attached to any bottle, flask, cask or other vessel or package of spirituous liquor any label, stamp or other device containing any statement or information as to the name of the manufacturer of the said liquor.

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CHAPTER

# CHAPTER 56.

## An Act for the better preventing of excessive and deceitful Gaming.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Gaming Act. New.*

Security given in gaming transaction given for illegal consideration.

**2.** Every agreement, note, bill, bond, confession of judgment, *cognovit actionem,* warrant of attorney to confess judgment, mortgage, or other security, or conveyance, the consideration for which, or any part of it, is money, or other valuable thing won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game, or by betting on the sides or hands of the players, or for reimbursing, or repaying, any money knowingly lent or advanced for such gaming, or betting, or lent, or advanced, at the time and place of such game or play, to any person so gaming, playing, or betting, or who, during such game or play, so plays, games, or bets, shall be deemed to have been made, drawn, accepted, given, or executed, for an illegal consideration. R.S.O. 1897, c. 329, s. 1. *Amended.*

9 Anne, c. 19, (or c. 14 in Ruffhead's Ed.) s. 1, as amended by 2 Ed. VII., c. 1, s. 3.

Recovery back of money paid on gaming transaction Imp. Act, 5 & 6 W. 4, c. 41, s. 2.

**3.** If any person makes, draws, gives, or executes, any note, bill, or mortgage, for any consideration which is hereinbefore declared to be illegal, and actually pays to any indorsee, holder, or assignee of such note, bill, or mortgage, the amount of the money thereby secured, or any part thereof, such money shall be deemed to have been paid for, and on account of, the person to whom such note, bill, or mortgage was originally given, and to be a debt due, and owing, from such last named person to the person who paid such money, and shall accordingly be recoverable by action. R.S.O. 1897, c. 329, s. 2. *Amended.*

When money lost at one sitting is $40 the same may be recovered by loser, by action.

**4.** Any person who, at any time or sitting, by playing at cards, dice, tables, or other game, or by betting on the sides or hands of the players, loses to any person so playing, or betting, in the whole, the sum or value of forty dollars or upwards, and pays or delivers the same or any part thereof, shall be at liberty, within three months thereafter, to sue for and recover, in any court of competent jurisdiction, the money or thing so lost and paid or delivered. R.S.O. 1897, c. 329, s. 3. *Amended.*

9 Anne, c. 19 (or c. 14 in Ruffhead's Ed.), s. 2.

Wagers not recoverable at law. Imp. Act. 8 & 9 V., cap. 109, s. 18.

**5.** Every contract or agreement by way of gaming or wagering shall be null and void; and no suit shall be brought or maintained for recovering any sum of money or valuable thing alleged to be won upon any wager, or which has been deposited in the hands of any person to abide the event on which any wager has been made; provided always, that this section shall not apply to any subscription or contribution, or agreement to subscribe or contribute for or towards any plate, prize, or sum of money to be awarded to the winner of any lawful game, sport, pastime or exercise. *New.*

Proviso.

Promises to repay sums paid under contract void by section 5.

**6.** Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement rendered null and void by section 5, or to pay any sum of money by way of commission, fee, reward, or otherwise in respect of any such contract or agreement, or of any services in relation thereto or in connection therewith, shall be null and void, and no action shall be brought or maintained to recover any such sum of money. *New.*

Imp. Act 55 & 56 V., c. 9, s. 1.

Rev. Stat. c. 329, repealed.

**7.** Chapter 329 of the Revised Statutes, 1897, is repealed.

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CHAPTER

## CHAPTER 57.

# An Act to prevent Minors from Frequenting Billiard Rooms and Other Places.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Minors Protection Act.* *New.*

Penalty for admitting minor under 18 years to billiard rooms.

**2.** The keeper of a licensed billiard, pool or bagatelle room, kept directly or indirectly for hire or gain, who admits a minor under the age of 18 years thereto, or allows him to remain therein, without the consent of his parent or guardian, shall incur a penalty not exceeding $10, for the first, and not exceeding $20 for each subsequent offence, recoverable under *The Ontario Summary Convictions Act.* R.S.O. 1897, c. 247, s 1, *part;* 6 Edw. VII., c. 19, s. 31. 10 Edw. VII. c. 37.

When Act not to apply.

**3.** This Act shall not apply where the minor is a member of the family of the keeper or his servant, or does not go to the billiard, pool or bagatelle room for the purpose of loitering, or to play billiards, pool or bagatelle therein, or the keeper had reasonable cause to believe that such consent had been given by the parent or guardian, or that such minor was not under the age of eighteen. R.S.O. 1897, c. 247, s. 1, *part;* 7 Edw. VII. c. 23, s. 9.

Repeal. Rev. Stat. c. 247, 6 Edw. VII. c. 19, s. 31; 7 Edw. VII. c. 23, s. 9.

**4.** Chapter 247 of the Revised Statutes of Ontario, 1897; section 31 of *The Statute Law Amendment Act, 1906,* and section 9 of *The Statute Law Amendment Act, 1907,* are repealed.

CHAPTER

# CHAPTER 58.

## An Act respecting the Public Health

*Assented to 16th April, 1912.*


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HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

**1.** This Act may be cited as *The Public Health Act*. R.S.O. 1897, c. 248, s. 1. Short title.

INTERPRETATION.

**2.** In this Act Interpretation.

(*a*) "Chief Officer" shall mean the Chief Officer of Health for the Province of Ontario. (*New.*) "Chief officer."

(*b*) "Communicable disease" shall mean and include any contagious or infectious disease, and shall include smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, tuberculosis, mumps, anthrax, bubonic plague, rabies, poliomyelitis and cerebro-spinal meningitis, and any other disease which may be declared by the Regulations to be a communicable disease. (*New.*) "Communicable disease."

(*c*) "House" or "household" shall include a dwelling house, lodging house, or hotel, and a students' residence, fraternity house, or other building in which any person in attendance as a student, pupil or teacher or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged. "House," "Household."

(*d*) "Householder" shall include the proprietor, master, mistress, manager, housekeeper, janitor, and caretaker of a house. "Householder."

(*e*)

"Member of a household."

(*e*) "Member of a household" shall mean a person residing, boarding or lodging in a house.

"Local Board."

(*f*) "Local Board" shall mean the local board of health for any municipality. (*New.*)

"Medical Officer of Health."

(*g*) "Medical Officer of Health" shall mean the medical officer of health of the municipality appointed under this Act.

"Minister."

(*h*) "Minister" shall mean the member of the Executive Council of Ontario charged by the Lieutenant-Governor in Council with the administration of this Act.

"Municipality."

(*i*) "Municipality" shall not include a county.

"Occupier."

(*j*) "Occupier" shall mean the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person.

"Owner."

(*k*) "Owner" shall mean the person for the time being entitled in his own right, or as trustee, mortgagee in possession, guardian, committee, agent, or otherwise, to receive the rents, issues and profits of any property or from any premises.

"Premises."

(*l*) "Premises" shall mean and include any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyance of passengers or freight, any tent, van, or other structure of any kind, any mine, and any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not.

"Provincial Board."

(*m*) "Provincial Board" shall mean the Provincial Board of Health.

"Regulations."

(*n*) "Regulations" shall mean regulations made by the Provincial Board under the authority of this Act.

"Street."

(*o*) "Street" shall include any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

PROVINCIAL BOARD OF HEALTH.

Provincial Board, how constituted.

**3.**—(1) The Lieutenant-Governor in Council may appoint not more than six persons, who, with the Chief Officer of Health, shall constitute the Provincial Board of Health for Ontario. R. S. O., 1897, c. 248, s. 3. *Part amended.*

(2)

(2) The members of the Board so appointed shall hold office for three years from the date of appointment, and shall be eligible for reappointment. R.S.O., 1897, c. 248, s. 3. *Part amended.* Term of office.

(3) At least four members of the Board shall be legally qualified medical practitioners. R.S.O., 1897, c. 248, s. 3. *Part.* Four to be medical men.

(4) The Lieutenant-Governor in Council may designate one of the members of the Board to be the Chairman thereof. Chairman.

(5) The members of the Board so appointed shall be paid such salary or other remuneration as may be voted by the Assembly, together with their actual travelling and other necessary expenses while employed on the business of the Board. R.S.O., 1897, c. 248, s. 4. *Amended.* Remuneration.

**4.**—(1) The Lieutenant-Governor in Council may appoint a legally qualified medical practitioner of at least five years' standing to be the Chief Officer of Health for Ontario. Chief Officer —appointment—qualification.

(2) The Chief Officer of Health shall be *ex officio* a member of the Board, and shall be the Secretary thereof. R.S.O., 1897, c. 248, s. 5. *Amended.* *Ex officio* member and secretary of Board.

(3) The Chief Officer of Health shall be the executive officer of the Board, and in the intervals between the meetings of the Board shall perform such duties and shall have such powers as are imposed upon or by this Act vested in the Board. 1 Geo. V. c. 67, s. 1. Duties and powers.

(4) The Lieutenant-Governor in Council may also appoint a duly qualified medical practitioner, of at least five years' standing, to be Provincial Inspector of Health. Provincial Inspector of Health.

(5) The Provincial Inspector of Health may exercise, anywhere in the Province, any of the powers conferred by this Act on Medical Officers of Health, and he shall act, under the direction of the Provincial Board, and shall perform such duties as may be assigned to him by the Board or by the Chief Officer of Health. (*New.*) Duties and powers.

**5.**—(1) The Provincial Board shall meet at least four times in every year. Meetings.

(2) A majority of the Provincial Board shall be a quorum. Quorum.

(3) The Board may make rules regulating the transaction of its business, and may provide therein for the appointment Rules and by-laws.

of committees to whom it may delegate authority and power for the work committed to them. R.S.O., 1897, c. 248, s. 8. *Amended.*

Duties and powers of Board.

**6.** It shall be the duty of the Provincial Board and it shall have power to:—

Investigations as to disease and mortality.

(*a*) Make investigations and enquiries respecting the causes of disease and mortality in Ontario or in any part thereof.

Advising as to sanitary matters.

(*b*) Advise the officers of the Government in regard to public health generally, and as to drainage, water supply, disposal of garbage and excreta, heating, ventilation and plumbing of premises.

Vaccine and serum.

(*c*) Exercise a careful oversight of vaccine matter and serum produced or offered for sale in Ontario, or manufacture the same if deemed advisable, and as far as possible prevent the sale of the same when found to be impure or inert, and see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Board.

Nuisances.

(*d*) Determine whether the existing condition of any premises or of any street, or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health.

Inspection of sanitary conditions in gaols, etc.

(*e*) Inspect all county gaols, prisons, houses of refuge, asylums, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safe keeping, custody or care of any person confined therein by process of law, or received or cared for therein at their own charges or by public or private charity, and see that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with.

Distribution of sanitary literature.

(*f*) Make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention to all matters relating

to

to the prevention and spread of communicable diseases in such manner as the Board may deem best to control any outbreak.

(*g*) Enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Board may deem advisable in the interests of the public health. R.S.O., 1897, c. 248, ss. 9, part, 10. *Amended.* Entry on premises and orders as to alterations therein.

**7.**—(1) The Provincial Board may direct the Chairman or Secretary or any member or officer of the Board to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he may deem expedient, and shall for the purposes of such investigation possess all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act.* R.S.O. 1897, c. 248, s. 11. *Amended.* Investigation as to disease and mortality. 8 Edw. VII. c. 8.

(2) Where it appears to the Board that any unsanitary condition or nuisance exists in a municipality, and that the local board has, on a proper representation of the facts, neglected or refused to take such measures as may remove such condition or abate such nuisance, the Board may direct an investigation as provided by subsection 1. Investigation as to unsanitary conditions and nuisances.

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Board may direct its immediate removal or abatement by the person responsible therefor, and if such person neglects or refuses after three days' notice by the Board to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of any money of the municipality any expenses incurred under such orders. R.S.O., 1897, c. 248, s. 9. *Part amended.* Removal or abatement.

**8.** The Provincial Board, with the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed necessary for, Regulations.

(*a*) The prevention or mitigation of disease; Prevention and mitigation of disease.

(*b*) The frequent and effectual cleansing of streets, yards and premises; Cleansing streets and premises.

(*c*) The removal of nuisances and unsanitary conditions; Removal of nuisances, etc.

(*d*)

Cleansing and disinfecting premises.

(*d*) The cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof;

Passenger traffic.

(*e*) Regulating, so far as the Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease;

Burials.

(*f*) The safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals;

Medical aid and accommodation.

(*g*) The supplying of such medical aid, medicine and other articles and accommodation as the Board may deem necessary for preventing or mitigating an outbreak of any communicable disease;

Inspection.

(*h*) The inspection of premises by the local board or medical officer of health, or some officer of the Provincial Board, and the cleansing, purifying and disinfecting anything contained therein when required by the local board or officer, at the expense of the owner or occupier, and for detaining for this purpose any steamboat, vessel, railway carriage or car, or public conveyance and anything contained therein and any person travelling thereby as may be necessary;

Dwellings.

(*i*) Entering and inspecting any premises used for human habitation in any locality in which conditions exist which in the opinion of the Board are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building which is, in the opinion of the Board, unfit for human habitation;

Overcrowding.

(*j*) Preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein;

(*k*)

(*k*) Preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past; Preventing travel by persons exposed to infection.

(*l*) Regulating the appointment of sanitary inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality; Sanitary inspectors.

(*m*) The removal or keeping under surveillance of persons living in infected localities; Surveillance of infected localities.

(*n*) Authorizing the taking possession by a municipal corporation, local board of health, or medical officer of health for any of the purposes of this Act, of any land or unoccupied building; Taking possession of premises.

(*o*) The sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein of sewage, excreta, vegetable, animal or other matter or filth; Health and summer resorts and inland waters.

(*p*) Any other matter which, in the opinion of the Board, the general health of the inhabitants of the Province or of any locality may require. R.S.O. 1897, c. 248, s. 13; 1 Geo. V., c. 67, s. 2. *Amended.* General.

**9**. The Provincial Board may, from time to time, declare all or any of such regulations to be in force in any specified municipality or locality for such time as the Board may deem expedient. R.S.O. 1897, c. 248, s. 15. *Amended.* Application of regulations.

**10**.—(1) The regulations shall be subject to the approval of the Lieutenant-Governor in Council, and shall come into force and take effect upon publication of such approval and Approval and promulgation of regulations.

the

the regulations approved in the *Ontario Gazette*. R.S.O. 1897, c. 248, s. 16. *Amended.*

To be laid before Assembly.

(2) Every regulation shall be laid before the Assembly forthwith if the Assembly is then in session, or if it is not then in session within fourteen days after the commencement of the next session. R.S.O. 1897, c. 248, s. 19.

By-laws, etc., superseded by regulations.

**11.**—(1) Any order or regulation made by the Provincial Board shall, while it is in force in any locality, supersede any municipal by-law or other regulation, including the by-law set out in Schedule "B," dealing with the same subject matter, and so far as any such by-law or other regulation is inconsistent with the order or regulation of the Board, such by-law or other regulation shall be deemed to be suspended. R.S.O. 1897, s. 17. *Amended.*

Publication in report of Board.

(2) Every order or regulation made by the Board shall be published in the next report issued by the Board. (*New.*)

Powers of Chief Officer and members of Provincial Board.

**12.** The Chief Officer of Health and every member of the Provincial Board, and every officer of the Board shall possess all the powers conferred upon a Medical Officer of Health and the officers of a local board by this Act or by the Regulations. (*New.*)

Health districts and district officers.

**13.**—(1) The Lieutenant-Governor in Council may divide the Province for the purposes of this section into not more than ten Health Districts, and may appoint a legally qualified medical practitioner to be known as the District Officer of Health for each such District, but a city, having a population of 50,000 or over, according to the last census of Canada, shall not be included in any such District.

Salaries.

(2) Every District Officer of Health shall be paid an annual salary not exceeding $2,500 and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses shall be payable in the first instance out of the Consolidated Revenue Fund.

County to reimburse Province.

(3) The council of every county forming part of a health district shall annually on or before the 1st day of February pay to the Treasurer of Ontario such proportion of the salary and expenses of the District Officer of Health based upon the population of the County according to the last census of Canada and exclusive of the population of any city or separated town within the county as may be certified by the Chief Officer.

(4)

Contribution by cities of less than 50,000 and separated towns.

(4) Every city having a population of less than 50,000 and every town separated from the county for municipal purposes shall pay to the Treasurer of Ontario on or before the 1st day of February such proportion of the salary and expenses of the District Officer of Health based upon the population of such city or town according to the last census of Canada as may be so certified.

In provisional judicial districts.

(5) In a Provisional Judicial District in which there is no organized municipality the salary and expenses of the District Officers of Health shall be borne and paid by the Province.

Contributions by municipality in districts.

(6) In a Provisional Judicial District in which there are one or more organized municipalities the salaries and expenses of the District Officers of Health shall in the first instance be borne and paid by the Province, and the corporations of such municipalities shall respectively repay to the Province the same proportions thereof as would be payable by them if the district were a county.

Duties and powers.

(7) Every District Officer of Health shall within his district enforce this Act and the Regulations and any other Act or Regulations respecting the health of the inhabitants of the district or their protection from communicable disease and generally do within the district anything which a member of the Provincial Board, medical officer of health or sanitary inspector is authorized or required to do under this Act.

May act in other districts.

(8) Whenever required so to do by the Board, a District Officer of Health shall have the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed.

To act under Provincial Board.

(9) Every District Officer of Health shall act under the supervision and control of the Board, and shall report to it at least monthly, and at such other times as may be required, and shall in such report give such information as may be required by the Board or by the Regulations.

LOCAL BOARDS OF HEALTH.

Local Board in every municipality.

**14.**—(1) There shall be a local board of health for every municipality in Ontario.

In cities and in towns of 4,000 or over.

(2) In a city, and in every town having a population of 4,000 or over, according to the enumeration of the assessors for

for the last preceding year, the local board shall consist of the Mayor, the Medical Officer of Health, and three resident ratepayers to be appointed annually by the Council at its first meeting in every year.

In towns of less than 4,000, villages and townships.

(3) In a town having a population of less than 4,000, according to such enumeration, and in every other municipality, the local board shall consist of the head of the municipality, the Medical Officer of Health, and one resident ratepayer to be appointed as provided by subsection 2. R.S.O. 1897, c. 248, s. 48. *Amended.*

Secretary.

(4) There shall be a secretary of the Board, and, unless otherwise provided by the Council, the clerk shall be the secretary. R.S.O. 1897, c. 248, s. 23.

Corporate name.

**15.** Every local board shall be a corporation by the name of "The Local Board of Health of the City (*or as the case may be, inserting the name of the municipality*) of (*New.*)

Meetings.

**16.**—(1) A local board shall hold at least four meetings in each year at a time and place to be fixed by resolution of the board, and such other meetings as may be prescribed by the regulations, or be required by the Board. (*New.*)

Chairman.

(2) At the first meeting of a local board in every year, which shall be held not later than the first day of February, the Board shall elect one of its members to be Chairman. R.S.O. 1897, c. 248, s. 53. *Part.*

Special meetings.

**17.** Any member of a local board may call a special meeting thereof at any time by giving notice in writing to the secretary and to the remaining members of the board. *New.*

Secretary to report membership of Board to Provincial Board.

**18.** The clerk of the municipality shall report to the Provincial Board the names and addresses of the members of the local board in each year on or before the 1st day of February, and he shall so report any change occurring during the year in the membership of the board. R.S.O. 1897, c. 248, s. 54. *Amended.*

Vacancies in Board.

**19.** Whenever a vacancy occurs in any local board of a city or town by the death, resignation or removal of an appointed member, the council shall at its first meeting after such vacancy occurs appoint a resident ratepayer to fill the

same

same, and in default of such appointment the Provincial Board may appoint a resident ratepayer of the municipality to fill the vacancy. R.S.O. 1897, c. 248, s. 49. *Part amended.*

Quorum.

**20**. A majority of the members of a local board shall form a quorum. R.S.O. 1897, c. 248, s. 59.

Remuneration and payment of expenses.

**21**. In a township every member of a local board and the secretary shall be entitled to the sum of $2 for every attendance at a meeting of the board, and his necessary travelling expenses in going to and returning from the same, and the amount of such remuneration and expenses shall be payable by the treasurer of the municipality upon the order of the chairman of the board. (*New.*)

Payment of accounts certified by board.

**22**. The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed under the direction of the board and materials and supplies furnished or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out the provisions of this Act or the regulations, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer. 9 Edw. VII. c. 85, s. 2. *Amended.*

Recording proceedings.

**23**.—(1) The proceedings of every local board shall be recorded by the Secretary in a book to be kept for that purpose.

Annual report.

(2) The secretary shall annually, on or before the 15th day of December, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Local report of M.O.H. to be transmitted to Provincial Board.

(3) The report as adopted by the local board shall include the annual report of the Medical Officer of Health and shall be transmitted to the Secretary of the Provincial Board. R.S.O. 1897, c. 248, s. 60. *Amended.*

Weekly report to Provincial Board.

**24**. The secretary of every local board shall report weekly to the Provincial Board the number of cases and deaths from communicable diseases, and the number of deaths from all other causes, occurring in the municipality during the preceding week, upon a form to be supplied by the Provincial Board. (*New.*)

Enforcing authority of local board.

**25**. Whenever a local board has authority to direct that any matter or thing shall be done by any person, the board

may

may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof by action in any court of competent jurisdiction, or the board may direct that the same be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. R.S.O. 1897, c. 248, s. 61.

Municipality may assume defence and pay damages and costs.

**26.**—(1) Where an action is brought against a local board or any member, officer or employee of a local board, by any person who has suffered any damage by reason of any act or default on the part of such local board, or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action, and may pay any damages or costs for which such board or the member, officer or employee is liable in respect of such act or default.

Does not extend to contractors.

(2) In this section the word "employee" shall not include a contractor with the local board. R.S.O. 1897, c. 248, s. 62. *Amended.*

Duty of local board as to carrying out Act and regulations.

**27.** It shall be the duty of a local board to superintend and see to the carrying out of the provisions of this Act and of the regulations, or of any by-law of the municipality, and to execute, do and provide all such acts, matters and things as are necessary for that purpose. R.S.O. 1897, c. 248, s. 14. *Amended.*

Complaints as to nuisances.

**28.** Where information is given in writing to the local board by any resident householder of the existence of a nuisance or unsanitary condition in the municipality the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act to abate or remedy the same. (*See* R.S.O. 1897, c. 248, ss. 67, 68.)

Cleansing and disinfecting houses, etc.

**29.** Where a medical officer of health is of opinion that the cleansing and disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the sanitary inspector or otherwise, at the cost and charge of the municipality cleanse and disinfect such house or part thereof, and the articles therein contained. R.S.O. 1897, c. 248, s. 81. *Amended.*

Ambulance.

**30.** A local board may provide, maintain or hire an ambulance or carriage for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place. R.S.O. 1897, c. 248, s. 84. *Amended.*

Disinfecting apparatus.

**31**. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles, which have become infected, and may cause such articles to be disinfected free of charge, or may make a reasonable charge for disinfecting them. R.S.O. 1897, c. 248, s. 99. *Amended.*

Destruction of infected bedding, etc.

**32**. A local board may direct the destruction of any furniture, bedding, clothing or other articles which have been exposed to infection, and may give compensation therefor. R.S.O. 1897, c. 248, s. 100.

Appeal to county judge from order of Board.

**33**. Where the order of a local board or medical officer of health involves an expenditure of more than $1,000, the person against whom the order is made, or any person chargeable with such expenditure, or any part thereof, may within four days after being served with a copy of such order, appeal therefrom to the Judge of the County or District Court who shall have power to vary or rescind the order, and any order so varied may be enforced by the board in the same manner as an order originally made by the board or a medical officer of health. R.S.O. 1897, c. 248, s. 112. *Amended.*

Powers of Provincial Board on default of local authorities.

**34**.—(1) Where a local board of health has not been established as required by this Act, or where a local board of health or any officer thereof has in the opinion of the Minister refused or neglected to act with sufficient promptness or efficiency in carrying out the provisions of this Act or any order or regulation of the Provincial Board, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct the Chief Officer to carry out such measures as are authorized by this Act, or by any order or regulation made thereunder.

Liability for payments of expenses.

(2) The expenses so incurred shall be certified by the Minister, and shall be a debt due by the corporation of the municipality, and upon presentation of such certificate the treasurer of the municipality shall pay the same.

Recovery from person responsible.

(3) Nothing in this section shall prevent the corporation from recovering from any person any money paid by the corporation under this section, as provided by section 59. 10 Edw. VII. c. 26, s. 33.

MEDICAL OFFICERS OF HEALTH.

Medical officers of health and sanitary inspectors, appointment.

**35**.—(1) The Council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint

point such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the regulations. R.S.O. 1897, c. 248, s. 31; 1 Geo. V. c. 67, s. 4. *Amended.*

By Lieutenant-Governor in Council in case of default

(2) Where the council refuses or neglects to make any of such appointments, or to fill any vacancy, the Provincial Board shall, by registered letter addressed to the clerk of the municipality, require the council to make the appointment or to fill the vacancy forthwith, and if the council continues in default for five days after the receipt of such letter, the Lieutenant-Governor in Council, upon the recommendation of the Provincial Board, may make the appointment or fill the vacancy. R.S.O. 1897, c. 248, s. 33 (1). *Amended.*

Tenure of office.

**36**. Every sanitary inspector appointed by the council shall hold office during the pleasure of the council, and if appointed by the Lieutenant-Governor in Council shall hold office until the first day of February in the year following that of his appointment. R.S.O. 1897, c. 248, s. 33 (2). *Amended.*

Dismissal.

**37**. Every medical officer of health appointed by the Council shall hold office during good behaviour and his residence in the municipality, or in an adjoining municipality, and, if appointed by the Lieutenant-Governor in Council, shall hold office until the first day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except for cause and with the approval of the Provincial Board. *New.* (*See* R.S.O. 1897, c. 248, s. 34 (1). *Amended.*)

M.O.H. to be executive officer of Board.

**38**. The medical officer of health shall be the executive officer of the local board, and with the local board shall be responsible for the carrying out of the provisions of this Act, and of the regulations and of the by-laws of the municipality. *New.*

Salaries of medical officers of health.

**39**. Every medical officer of health, whether appointed by the Council or by the Lieutenant-Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by by-law.

**40**. Sanitary inspectors shall be paid such annual sum as may be determined by the council of the municipality. (*New.*) Payment of sanitary inspectors.

**41**. Where a vacancy occurs in the office of medical officer of health, the council shall forthwith appoint another medical officer of health in his stead. (*New.*) Vacancy in office of M.O.H.

**42**.—(1) There shall be an annual conference of all the medical officers of health, and it shall be the duty of every medical officer of health to attend the same. Annual conference.

(2) The expenses of the attendance of each medical officer of health shall be borne by the corporation of the municipality, and shall be payable in addition to his salary on the certificate of the secretary of the Provincial Board. Expenses of attendance.

(3) The conference shall be held at such time and place as may be determined by the Provincial Board. (*New.*) Time and place of holding.

ISOLATION HOSPITALS.

**43**.—(1) The corporation of a municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease. Isolation hospitals.

(2) The corporations of two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital. Municipalities may join in establishing.

(3) A corporation may borrow money by the issue of debentures for the purposes mentioned in subsections 1 or 2, and it shall not be necessary to obtain the assent of the electors to any by-law for raising money for such purpose. Issue of debentures.

(4) Debentures issued under this section shall be payable within 20 years from the date of the issue thereof. When payable.

(5) Any such hospital may be established in a municipality or in one of the municipalities providing for the same or in an adjoining municipality. Where to be established.

Subject to sections 44-48.

(6) The powers conferred by this section shall be subject to the provisions of sections 44 to 48, but an isolation hospital shall not be established, maintained or kept by a municipal corporation upon lands in another municipality which were selected, purchased or contracted for, or upon which the corporation had secured an option before the 1st day of January, 1912, and upon which an isolation hospital had not before that date been erected, without the consent of the council of the municipality in which such lands are situate, and unless such consent is obtained within one month from the passing of this Act, such lands shall not be used for that purpose. (*See* R.S.O. 1897, c. 205, s. 104.)

Permission for establishment of isolation hospitals and consumption hospitals

**44.** No such isolation hospital and, except as provided by the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 57, no sanatorium, institution or place for the reception, care, or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. 2 Edw. VII. c. 34, s. 1. *Part amended.*

Application to Local Board.

**45.**—(1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality, shall make application in writing to the local board of health of such municipality for permission to do so.

Notice of meeting.

(2) The local board shall give notice of the application and of the meeting at which the same will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or if there is no such newspaper, in a newspaper published in an adjoining municipality.

Consideration of application. Notice.

(3) The local board shall take such application into consideration at its next general meeting after the last publication of such notice, or at a special meeting to be called for the purpose within one month after that date.

Hearing and decision.

(4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not such application shall be granted.

(5)

Refusal of permission.

(5) If the local board determines not to grant such permission notice in writing of their decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the Sheriff of the county or district in which the municipality is situate, and the Secretary of the Provincial Board of Health.

Appeal.

Notice of appeal.

(6) The appeal shall be by notice in writing addressed to the Secretary of the Provincial Board, and sent by registered post to him within seven days after the receipt of notice of the decision of the local board.

Notice of hearing of appeal.

(7) The Secretary of the Provincial Board shall appoint a time and place for the consideration of the appeal, and at least seven days' notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant; and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if there is no such newspaper, in a newspaper published in the county or district town of the county or district in which such municipality is situate.

Hearing of appeal.

(8) The board of appeal shall hold a sitting at such time and place and shall hear what may be alleged for and against such appeal on behalf of the applicant and the local board of health or any ratepayer of the municipality who may object to the granting of such permission.

View of locality.

(9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board may deem necessary.

Decision of Board of Appeal.

(10) The decision of the board of appeal or a majority of the members thereof shall be given in writing and shall be final.

Fees of Board of Appeal.

(11) Each of the members of the board of appeal shall be entitled to a fee of $10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses and the same and any other costs and expenses incurred in hearing the appeal shall be payable by the appellant upon the written order of the Secretary of the Provincial Board to the persons entitled thereto. 2 Edw. VII. c. 34, s. 1. *Part amended.*

Sections 43 and 44 not to apply to certain hospitals

(12) Nothing in this section or in section 44 contained shall apply to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated. 2 Edw. VII. c. 34, s. 1, *part;* 9 Edw. VII. c. 84, ss. 1, 2.

Penalty

**46**. Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution or place, or who takes part in the superintendence or management thereof until permission has been given as provided by the next preceding section, shall incur a penalty not exceeding $25 for every day on which such offence is continued. 2 Edw. VII. c. 34, s. 1. *Part.*

Plans to be approved by Provincial Board.

**47**.—(1) No isolation hospital shall be established by the corporation of any municipality until the plans and the proposed equipment thereof shall have been submitted to and approved by the Provincial Board. (*New.*)

Directions of Provincial Board as to alterations, etc.

(2) Every municipal corporation establishing such an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as may be directed by the Provincial Board of Health. (*New.*)

Regulations as to isolation hospitals.

**48**. Subject to the regulations the local board of the municipality, by the corporation of which an isolation hospital is established, shall have the management and control of it, and of the conduct of the physicians, nurses, attendants and patients. (*New.*)

EMERGENCY HOSPITALS.

Temporary emergency hospitals in case of outbreak of disease.

**49**. Where any communicable disease, to which this section is by the regulations made applicable, becomes prevalent in a municipality, and the municipal corporation has not already provided proper hospital accommodation for such cases, the medical officer of health of a local board shall immediately provide, at the cost of such corporation, such a temporary hospital, hospital tent, or other place or places of reception for the sick and infected as may be deemed best for their accommodation and the safety of the inhabitants, and for that purpose may,—

(*a*) Erect such hospital, hospital tent, or place of reception;

(*b*) Contract for the use of any existing hospital, hospital tent, or place of reception; or,

(*c*) Enter into an agreement with any person having the management of any such hospital, subject to

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the approval of the medical officer of health of the local municipality in which such hospital is situate, for the reception and care of persons suffering from such communicable disease, and for the payment of such remuneration therefor as may be agreed upon. R.S.O. 1897, c. 248, s. 106. *Amended.*

ACQUIRING LAND.

Occupying land in case of emergency.

**50.**—(1) Where an outbreak of any of the diseases, to which the next preceding section applies, occurs or is apprehended, the local board of health may enter upon and take and use for the purposes mentioned in that section any land or unoccupied building without prior agreement with the owner of the same and without his consent, and may retain the same for such period as may appear to the board to be necessary. R.S.O. 1897, c. 248, s. 23. *Amended.*

Notice to clerk of local municipality

(2) Written notice (Schedule A) shall within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate; such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise. R.S.O. 1897, c. 248, s. 24.

Proceedings where owner not a consenting party.

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner.

Where owner or his address is unknown.

(4) If the owner is not known, or is not a resident in Ontario, or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of some local newspaper having a circulation within the municipality where the property is situate, and shall send by registered post to the last known address, if any, of the owner a copy of the notice, and such publication shall be sufficient notice to the owner. R.S.O. 1897, c. 248, s. 25.

Compensation.

(5) The owner shall be entitled to compensation from the corporation of the municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner; and in case they do not agree, the judge of the county or district court of the county or district in which the property is situate shall summarily determine

the amount of the compensation, and the terms of payment, in such manner, and after giving such notice as he sees fit. R.S.O. 1897, c. 248, s. 26.

Order for possession.

**51.** Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the Judge of the County or District Court may, without notice to any person, issue his warrant to the sheriff of the county or district, or to any other person, as he may deem most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do. R.S.O. 1897, c. 248, s. 27.

MEDICAL CARE OF INDIGENTS.

Municipal corporation to provide for medical attendance for indigent purposes.

**52.**—(1) The corporation of every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance upon and care of persons suffering from the result of injury or disease who in the opinion of the head of the municipality or of its relief officer, if any, are unable through poverty to pay for the necessary attendance, and who are not cared for in a public or private hospital.

M.O.H. need not act unless remunerated.

(2) This section shall not impose any duty on the medical officer of health in respect to such cases, unless an agreement has been entered into with him, as provided in subsection 1.

Agreement to provide for remuneration.

(3) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. (*New.*)

PROVISIONS AS TO COMMUNICABLE DISEASE.

Communicable diseases. Notice by householder.

**53.**—(1) Whenever any householder knows or has reason to suspect, that any person within his family or household, or boarding or lodging with him, has any communicable disease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health.

How given.

(2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter, addressed to either of them, and mailed within the time above specified. R.S.O. 1897, c. 248, s. 86. *Amended.*

Removal of person or clothing prohibited.

**54**. No householder, in whose dwelling there occurs any communicable disease, shall permit any person suffering from such disease to leave, or any clothing or other property to be removed from, his house, without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof. R.S.O. 1897, c. 248, s. 87. *Amended.*

Report by physician.

**55**.—(1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which such diseased person is.

Superintendents of hospitals, etc.

(2) This section shall apply to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease. R.S.O. 1897, c. 248, s. 89. *Amended.*

Precautions against spread of infection.

**56**.—(1) Where any communicable disease is found to exist in any municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion, by such means as in their judgment is most effective for the public safety. R.S.O. 1897, c. 248, s. 90. *Amended.*

Closing schools, churches, etc.

(2) The medical officer of health or local board, when it is considered necessary to prevent the spread of any communicable disease, may direct that any school or seminary of learning or any church or public hall or other place used for public gatherings or entertainment in the municipality, shall be closed, and may prohibit all public assemblies in the municipality; and no such school, seminary, church, hall or public place shall be kept open after such direction, for the admission of the public, nor re-opened without the permission of the medical officer of health. 1 Geo. V., c. 67, s. 7. *Amended.*

Isolation of patient.

**57**. The medical officer of health, or the local board, or a committee thereof, shall isolate any person having any communicable disease, to which this section is by the regulations made applicable, and shall forthwith cause to be posted up on or near the door of the house or dwelling, in which any such person is, a notice stating that such disease is within the house or dwelling. R.S.O. 1897, c. 248, s. 85 (1). *Amended.*

Of infected persons.

**58**.—(1) If any person coming from abroad, or residing in any municipality within Ontario, is infected, or has recently been infected with, or exposed to, any communicable disease, to which this section is by the regulations made applicable, the medical officer of health or local board shall

make

make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessaries for him. R.S.O. 1897, c. 248, s. 93. *Amended.*

Recovery of expenses.

(2) The corporation of the municipality shall be entitled to recover from such person the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessaries for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him.

Recovery of expense incurred through neglect or refusal to carry out Act.

**59**. Where, owing to the refusal or neglect of the medical officer of health, the local board or the corporation of any municipality, any communicable disease is brought into another municipality, the corporation of which incurs expense in preventing the spread of such communicable disease, the corporation of the municipality in default shall pay to the corporation of the municipality incurring such expense the whole amount thereof, and the same shall be recoverable as a debt in any court of competent jurisdiction. *(New.)*

Removal of patients.

**60**. No person suffering from any communicable disease, to which this section is by the regulations made applicable, shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house, in which there exists any such communicable disease, change his residence to any other place without the consent of the medical officer of health, or without complying with such conditions as he may prescribe. R.S.O. 1897, c. 248, ss. 87, 88. *Amended.*

Examination of suspected cases under warrant from M.O.H. or Board.

**61**. The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, out-house or premises, in the day time, for the purpose of making enquiry and examination with respect to the state of health of any person therein, and cause any person found therein, who is infected with any communicable disease, to be removed to a hospital or some other proper place. R.S.O. 1897, c. 248, s. 77. *Amended.*

Entering and disinfecting public conveyances.

**62**.—(1) Where there is any reason to suspect that any person, suffering from a communicable disease, to which this section is by the regulations made applicable, is in or upon any railway car, street railway car, steamboat, vessel, stage, or other conveyance, the medical officer of health or sanitary inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be

be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on, or in, or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it; and his authority shall continue in respect of such person and conveyance, notwithstanding that the conveyance is taken into another municipality.

Payment by owner of conveyance.

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection, shall be paid by the owner of the conveyance in which such person is found.

Authority given by Provincial Board.

(3) Any legally qualified medical practitioner or sanitary inspector authorized by the Provincial Board, shall have the same authority as a medical officer of health under this section. R.S.O. 1897, c. 248, s. 92. *Amended.*

Removal of persons from dwellings.

**63.** Where any communicable disease is reported or discovered in a dwelling house or out-house occupied as a dwelling, and such house or out-house is in a filthy and neglected state, the medical officer of health may, at the expense of the corporation of the municipality, compel the inhabitants of such dwelling house or out-house to remove therefrom, and may place them in sheds or tents, or other proper shelter, in some more suitable situation, until measures can be taken, under the direction and at the expense of the municipal corporation, for the immediate cleansing, ventilation, purification and disinfection of such dwelling-house or out-house. R.S.O. 1897, c. 248, s. 78. *Amended.*

Patients and nurses. Precautions as to disinfection.

**64.** No person recovering from any communicable disease to which this section is by the regulations made applicable, and no nurse who has been in attendance on any such person, shall leave the premises or expose himself in any public place, street, shop, inn or public conveyance, until he has received from the medical officer of health a certificate that in his opinion such person or nurse has taken such precautions as to his person, clothing and all other things which he proposes to bring from the premises, as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. R.S.O. 1897, c. 248, s. 94. *Amended.*

Measures prescribed by Provincial Board.

**65.** Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as may be prescribed by the regulations or by the medical officer of health. R.S.O. 1897, c. 248, s. 95.

Sanitary precautions before mingling with public.

**66.** No person suffering from or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so until such sanitary precautions as may be prescribed by the medical officer of health have been complied with. R.S.O. 1897, c. 248, s. 91.

Notice to be given before using public conveyance.

**67.**—(1) No person suffering from, or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall expose himself, nor shall any person expose any one under his charge, who is so suffering from any such disease, in any railway car, street railway car, steamboat, vessel, stage or other conveyance, without having previously notified the owner or person in charge of such conveyance of the fact of his having such disease. R.S.O. 1897, c. 248, s. 96.

Conveyance to be disinfected.

(2) The owner or person in charge of any such conveyance shall not, after the entry of any infected person into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the medical officer of health or sanitary inspector. R.S.O. 1897, c. 248, s. 97. *Amended.*

Bedding, clothing, etc.

**68.** No person shall give, lend, transmit, sell or expose any bedding, clothing, or other article likely to convey any communicable disease, without having first taken such precautions as the medical officer of health may direct for removing all danger of communicating such disease to others. R.S.O. 1897, c. 248, s. 98. *Amended.*

Disinfection of houses, etc.

**69.** No person shall let or hire, or permit to be occupied, any house or room in a house in which any communicable disease has recently existed, without having caused the house and premises used in connection therewith to be disinfected to the satisfaction of the medical officer of health, and, for the purposes of this section, the keeper of an inn or house for the reception of lodgers, shall be deemed to let for hire part of a house, to any person, admitted as a guest into such inn or house. R.S.O. 1897, c. 248, s. 101. *Amended.*

False statements of persons renting or showing houses.

**70.** No person letting for hire, or showing for the purpose of letting for hire any house or part of a house, on being questioned by any person, negotiating for the hire of such house, or part of a house, as to the fact of there previously having been therein any person, animal or thing suffering from or liable to be infected by any communicable disease, shall knowingly make a false answer to such question. R.S.O. 1897, c. 248, s. 102.

**71.**—(1) No common carrier shall knowingly accept for transportation or carry within Ontario, except under and subject to the regulations, any person suffering from any communicable disease, to which this section is by the regulations made applicable, or any infected article or articles of clothing, bedding, or other property whatsoever. Transportation of infected persons.

(2) No carrier shall knowingly accept for transportation or carry within Ontario the body of any person who has died of any communicable disease, except under and subject to the regulations. Corpses.

(3) Every person contravening the provisions of subsection 1 or of subsection 2 shall incur a penalty of $100. Penalty.

**72.**—(1) Whenever a communicable disease exists in any house or household in which there is a person who is a student or pupil in, or a teacher, or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease, and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so. School attendance from houses in which communicable disease exists.

(2) Whenever a local board of health, or any of its officers or members, are aware of the existence in any house of any communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher, or in any other capacity, and none of such last mentioned persons shall after such notice be permitted to attend, or be employed or be in or about such institution, until the certificate mentioned in subsection 1 is obtained and presented. Duty of local board and teacher.

(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such institution, is suffering from a communicable disease, or that there exists in any household of which he is a member any communicable disease, such first mentioned person shall notify the medical officer of health thereof, and shall not permit the attendance of the person suffering from such disease if under his direction or control until the medical Teacher to give notice of cases in homes of pupils.

officer

officer of health certifies that such attendance may be safely allowed. R.S.O. 1897, c. 248, s. 103. *Amended.*

Pupils not to be allowed to return within minimum time fixed by regulations.

(4) No student or pupil having suffered from a communicable disease shall be allowed to attend any such institution of learning within the minimum period prescribed by the regulations. 9 Edw. VII. c. 85, s. 4.

Boarding schools.

(5) Whenever a communicable disease exists in any boarding school or other institution in which pupils are received for tuition, and boarded or lodged, the head of the institution, or the person in charge thereof, shall immediately isolate the person suffering from such disease and any person in attendance upon him, and, within twelve hours after the disease is known to exist, shall notify the medical officer of health, and shall not permit the person so suffering or any person in attendance upon him to mingle with the other pupils or inmates of the institution until the medical officer of health has certified that he may safely do so. (*New.*)

## NUISANCES.

### *Removal, Abatement, etc.*

Nuisances, what to be deemed.

**73.** Any condition existing in any locality which is or may become injurious or dangerous to health or prevent or hinder in any manner the suppression of disease, shall be deemed a nuisance within the meaning of this Act. (*New.*)

Particular nuisances.

**74.** Without restricting the general application of the next preceding section and for greater particularity it is declared that the following shall be deemed nuisances within the meaning of this Act:

Premises in dangerous condition.

(*a*) Any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health;

Streets, pits, etc., in dangerous condition.

(*b*) Any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cesspool, drain, dung pit or ash pit, so foul or in such a state, or so situated as to be injurious or dangerous to health;

Water supply.

(*c*) Any well, spring or other water supply injurious or dangerous to health;

Stables, byres, etc.

(*d*) Any stable, byre or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health;

Accumulations of refuse.

(*e*) Any accumulation or deposit of refuse, wherever situate, which is injurious or dangerous to health;

(*f*)

(*f*) Any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or waggons at any station or siding or elsewhere so as to be injurious or dangerous to health; Offensive matter in uncovered trucks or waggons.

(*g*) Any work, manufactory, trade or business so situated as to be injurious or dangerous to health; Trades situated so as to be dangerous.

(*h*) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient airspace is allowed for each inmate to comply with the regulations. Overcrowded houses.

(*i*) Any school house, public or private, factory, shop or other building, which is not in a cleanly state or free from effluvia arising from any drain, privy, water or earth closet, urinal or other nuisance; or is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein, which are injurious or dangerous to health; or is so overcrowded as to be injurious or dangerous to the health of those employed or being therein; Defective drainage or ventilation or overcrowding in schools and factories.

(*j*) Any fireplace or furnace the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines, or used in any mill, factory, dye-house, brewery, bakehouse or gas works, or in any manufacturing or trade process whatever; Smoke from furnaces.

(*k*) Any chimney emitting smoke in such quantity as to be injurious or dangerous to health; From chimneys.

(*l*) Any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health. (*New.*) Offensive or dangerous burying grounds.

**75**. Every medical officer of health shall see that the municipality or locality for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance. R.S.O. 1897, c. 248, s. 65. *Amended.* Inspection of municipality.

**76**. The medical officer of health or the sanitary inspector of a municipality or a member of a local board may, in the day time, as often as he thinks necessary, enter into and upon and examine any premises, and if upon such examination he finds that the premises are in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the same and to remove or Examination of premises and order for cleansing

destroy

destroy what is so found therein. R.S.O. 1897, c. 248, ss. 75 and 76. *Amended.*

Where owner unknown or non-resident

**77.** Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality, and the premises are unoccupied or the occupant is unable to remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. (*New.*)

Disposition of articles removed. Owner to have no claims

**78.** Where under the provisions of this Act, or of the regulations, or of any municipal by-law, a local board or any medical officer of health or sanitary inspector removes anything which is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. R.S.O. 1897, c. 248, s. 80.

Service of notice requiring abatement of nuisance.

**79.**—(1) Wherever the local board of health or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.

Service on owner when required.

(2) Where the nuisance arises from the want or the defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner.

Where owner and occupant not in fault

(3) Where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the corporation of the municipality. R.S.O. 1897, c. 248, s. 69.

Where cause of nuisance is out of municipality.

**80.** Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place without the municipality, the local board of the municipality affected thereby shall cause an inspection to be made, and when necessary shall take or cause to be taken against the person by whose act or default the nuisance is caused in

whole

whole or in part, any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. R.S.O. 1897, c. 248, s. 70. *Amended.*

Where consideration of difficulty involved.

**81.**—(1) If, on investigation by the local board, any nuisance is found to exist, and if after the board has required the removal or abatement of the same within a specified time, the board finds that default in removal or abatement has been made, and the case appears to the local board to involve the expenditure or loss of a considerable sum of money, or serious interference with any trade or industry, or other considerations of difficulty, the Provincial Board at the request of the local board may investigate and report upon the case.

Application to Judge of High Court.

(2) If the report of the Provincial Board recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to a Judge of the High Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Provincial Board; and the Judge may make such order upon the report of the Provincial Board, or upon such further evidence as he may deem meet.

Application of 9 Edw. VII., c. 46.

(3) *The Judges' Orders Enforcement Act* shall apply to every order made by a Judge of the High Court under this section. R.S.O. 1897, c. 248, s. 73. *Amended.*

Expenses in respect of Abatement of Nuisance.

Where owner or occupier neglects to abate.

**82.**—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice to abate the same, the medical officer of health or sanitary inspector may enter upon the premises and take such steps as may be necessary to abate the nuisance.

Recovery of expenses.

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default, or suffrance the nuisance was caused, but shall be recoverable from both the owner and the occupier for the time being of the premises.

Collection of expenses as taxes.

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses, and of the person by whom and the premises in respect of which the same are payable, shall be deliv-

ered

ered to the clerk of the municipality, who shall insert the amount in the collector's roll, and the same may be collected in like manner as municipal taxes. 1 Geo. V., c. 67, s. 5.

Occupier's right to deduct payment from rent.

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him which, as between him and the owner, the latter ought to pay, out of the rent then due or from time to time becoming due in respect of the premises.

Limit of amount recoverable from occupier.

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him, or which after demand of such costs or expenses, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom it is payable; and the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier.

WHEN APPLICATION TO HIGH COURT NECESSARY.

Where application in respect of nuisance must be to High Court.

**83.**—(1) No determination or order of the Provincial Board or of a local board for the removal or abatement of a nuisance shall be enforced except by order of a Judge of the High Court, where such removal or abatement involves the loss or destruction of property to the value of $2,000 or upwards. R.S.O. 1897, c. 248, s. 114.

Application for order.

(2) The order may be made upon the application of the Provincial Board, or of the local board.

OFFENSIVE TRADES.

Restriction on establishment of offensive trades.

**84.**—(1) Any person who without the consent of the local board or of the municipal council establishes any of the following trades or businesses or manufactures—

Blood boiling,
Bone boiling,
Refining coal oil,
Extracting oil from fish,
Storing hides,
Soap boiling,
Tallow melting,
Tripe boiling,
Slaughtering animals,
Tanning hides or skins,
Manufacturing gas,

Manufacturing

Manufacturing glue,

Fertilizers from dead animals, from human or animal waste, or

Any other trade, business or manufacture, which is or may become offensive, or which is by the regulations declared to be a noxious or offensive trade, business or manufacture

shall incur a penalty of not less than $100 and not more than $250, in respect of the establishment thereof and a penalty of not less than $20 for every day on which after notice in writing by the local board, or an officer thereof, to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect of the establishment thereof. R.S.O. 1897, c. 248, s. 72. *Amended.* Penalty.

**85**. Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse, within any municipality, except on premises approved of by the medical officer of health, shall incur a penalty of not less than $10 and not more than $50, and the continuance of the offence for each week after conviction shall be considered a separate offence. 5 Edw. VII., c. 32; 1 Geo. V., c. 68, s. 1. *Amended.* Storing rags, bones, etc. Penalty.

INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

**86**.—(1) The medical officer of health or any sanitary inspector acting under his instructions, may at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that the same are overcrowded or occupied by more persons than is reasonably safe for the health of the occupants. Medical Officer of Health may enter and examine lodging houses, tenements and laundries.

(2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants, and that the sleeping rooms are such that 600 cubic feet of air cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there which, in the opinion of the medical officer of health, founded on his own inspection or on the report of the sanitary inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the premises, or to remove that which causes the premises to be filthy or unclean, and put the rooms in a condition fit for human habitation. 3 Edw. VII., c. 29, s. 1. *Amended.* When found overcrowded or unsanitary.

Placarding premises.

**87.** Where in the opinion of the medical officer of health, any premises are so situated, so constructed or so improperly lighted, or in any other respect of such a character, or in such a condition, as to be unfit for human habitation or dangerous to health, he may cause such premises to be closed, and may affix a notice thereon in a prominent place, setting forth the reason for such closing, and that the premises are closed by order of the medical officer of health; and no person shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. (*New.*)

INSPECTION OF DAIRIES, CHEESE FACTORIES, DAIRY FARMS, ETC.

Inspection of dairies, etc., and slaughter-houses.

**88.** The medical officer of health may make or cause to be made by a veterinary surgeon or other competent person, a periodical inspection of all dairies, cheese factories, and creameries, dairy farms and slaughter-houses, and if upon such examination he finds that the premises are in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may be injurious to or endanger the public health, he may order the owner or occupant of the premises to cleanse the same or to remove any such matter or thing. R.S.O. 1897, c. 248, ss. 74, 76. *Amended.*

Power to order cleansing.

INSTALLATION OF PUBLIC WATER SUPPLY.

Plans to be submitted to Provincial Board.

**89.**—(1) Whenever the council of any municipality or any municipal board or commission or any company or person contemplates the establishment of or the extension of or any change in an existing waterworks system, they shall submit the plans, specifications, and an engineer's report of the water supply and the works to be undertaken, together with such other information as may be deemed necessary to the Provincial Board, and no such works shall be undertaken or proceeded with until the source of supply and the proposed works have been approved by the Board.

Board may direct change in plans.

(2) The Board upon the application for such approval may direct such changes to be made in the source of supply or in the plans submitted as it may deem necessary in the public interest. (*See* R.S.O. 1897, c. 248, s. 30.)

Provincial Board to have supervision of streams, etc.

**90.** The Provincial Board shall have the general supervision of all springs, wells, ponds, lakes, streams or rivers used as a source for a public water supply with reference to their purity, together with the waters feeding the same, and shall examine the same from time to time when the necessity for such examination arises, and inquire what, if any, pollution exists and the causes thereof. (*New.*)

Depositing filth, etc., in Provincial waters.

**91.**—(1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof.

Disposal of offensive matter on boats.

(2) The owners and officers of boats and other vessels plying upon any such lake, river, stream or other water shall so dispose of the garbage, excreta, manure, vegetable or animal matter or filth upon such boats or vessels as not to create a nuisance or enter or pollute such lake, river, stream or other water.

Residents of summer resorts.

(3) Residents of a health resort or summer resort shall so dispose of garbage, excreta, manure, vegetable or animal matter or filth as not to create a nuisance or permit of its gaining entrance to or polluting any such lake, river, stream or other water.

Penalty.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty not exceeding $100. (*See* 6 Edw. VII. c. 19, s. 32.)

Returns from water-works.

**92.** Water boards, water companies, water commissioners and the proper officers of any municipal corporation making use as a source of water supply of any well or any other source within or partly within Ontario, and distributing the waters thereof for public, domestic or general uses, shall, from time to time, and whenever required by the Provincial Board, make returns to the Board upon forms to be furnished by it of such matters as may be required by the Board and called for by such forms, and any such water board, water company, water commissioner or officer who shall, for the space of thirty days after being furnished with such forms, fail or neglect to make any such reports required shall incur a penalty of $100. (*New.*)

Polluting water supply.

**93.**—(1) No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind, which, either by itself or in connection with other matter corrupts or impairs or may corrupt or impair the quality of the water of any source of public water supply for domestic use in any municipality, or which renders or may render such water injurious to health, shall be placed in or discharged into the waters, or placed or deposited upon the ice of any such source of water supply, or be placed or suffered to remain upon the bank or shore of any such source of water supply, near the place from which the supply of water for domestic use is obtained, nor within such distance thereof as may be considered unsafe by the Provincial

Board

Board, after an examination thereof by a member or officer of the Board.

Penalty. (2) Every person who contravenes any of the provisions of subsection 1 shall incur a penalty of not more than $100 for each offence, and each week's continuance after notice by the Provincial Board or local board to discontinue the offence shall constitute a separate offence. 6 Edw. VII. c. 19, s. 32.

SEWERAGE SYSTEM AND SEWAGE.

Sewerage system. Plans to be submitted. **94.**—(1) Whenever the construction of a common sewer or of a system of sewerage or an extension of the same is contemplated by the council of any municipality, the council shall first submit the plans and specifications of the work together with such other information as may be deemed necessary by the Provincial Board, for its approval.

Board to inquire and report. (2) The Board shall inquire into and report upon such sewer or system of sewerage, as to whether the same is calculated to meet the sanitary requirements of the inhabitants of the municipality; and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the municipality, or of any other municipality, liable to be affected thereby. R.S.O. 1897, c. 248, s. 30 (2), *part.*

Amendment of plans at instance of Board. (3) The Board may make any suggestion or amendment of the plans and specifications or may impose any condition with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as may be deemed necessary or advisable in the public interest. R.S.O. 1897, c. 248, s. 30 (3), *part.*

Work not to be proceeded with until approved by Board. (4) The construction of any common sewer or system of sewerage shall not be proceeded with until reported upon and approved by the Board, and no change in the construction thereof or in the disposal of sewage therefrom shall be made without the previous approval of the board.

Modifications, etc., of award. (5) The Board may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by it, and the report or decision of the Board shall be final, and it shall be the duty of the municipal corporation and the officers thereof to give effect thereto. R.S.O. 1897, c. 248, s. 30 (4) and (5), *part.*

Annual report to be sent to Provincial Board. (6) Whenever required by the Board, the Clerk of every municipal corporation having, using, owning, leasing or controlling

trolling a sewerage system or sewage disposal plant, shall make returns to the Board upon forms to be furnished by it of such matters as may be required by the Board and called for by such forms, and in case of default the clerk shall incur a penalty of $100. (*New.*)

BY-LAWS FOR BORROWING FOR WATERWORKS AND SEWERAGE.

By-law for issue of debentures not to be passed until approval of Board.

**95.**—(1) No by-law shall be passed for raising money for any of the purposes mentioned in sections 89 and 94 until the proposed water supply or sewerage system as the case may be has been approved by the Provincial Board of Health, and such approval has been certified under the hand of the chairman and secretary of the board.

By-law to recite approval.

(2) The By-law shall recite the approval of the Board. (*New.*)

Assent of electors, when not required.

**96.**—(1) Where the Provincial Board reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or a sewer or a sewerage system should be established for any municipality, it shall not be necessary to obtain the assent of the electors to any by-law for incurring a debt for either of such purposes.

By-law not to be passed until approved.

(2) The by-law shall not be finally passed until the approval of the Board has been obtained to the work to be done as hereinbefore provided, and shall recite such approval. (*New.*)

Maintenance, repairs and improvements.

**97.**—(1) Every waterworks system and sewerage system established for public use shall at all times be maintained, repaired and improved as may be necessary for the protection of the public health and as may be directed by any special order of the Provincial Board or by the regulations.

Penalty.

(2) Any municipal corporation or body or person refusing or neglecting to carry out the provisions of subsection 1, after notice from the Board so to do, shall incur a penalty not exceeding $100 for every day during which such default continues. (*New.*)

ICE SUPPLIES.

Regulation of ice supply by local board.

**98.**—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored, may adopt such regulations regarding the source of supply and the place of storage of the same, as are, in its opinion, best adapted to secure the purity of the ice, and prevent injury to the public health, and for the supervision of ice supplies,

whether obtained within or without the municipality, whenever the ice is intended for use within the municipality in which the board has jurisdiction. R.S.O. 1897, c. 248, s. 64.

Permit for cutting ice

(2) No ice shall be cut from any lake, river, stream, pond, or other water for the purpose of being sold, or used for domestic purposes unless a permit therefor has been first obtained from the local board and no person shall sell or deliver or dispose of in any way any ice for domestic purposes, without first obtaining a permit therefor from the local board and the local board may refuse a permit, or revoke any granted by it, when in their judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the same, is or would be detrimental to the public health.

Local board to enforce regulations

(3) Every local board shall enforce the regulations of the Provincial Board, and may prohibit the sale and use of any ice within the limits of the municipality, when, in its judgment, the same is unfit for use, or the use of it would be detrimental to the public health.

Prohibiting distribution in municipality

(4) The local board may prohibit, and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes, into the limits of the municipality, and may in the same manner prevent the sale of any such ice for domestic purposes within the limits of the municipality, when, in its judgment, the ice is unfit for use, or the use of it would be detrimental to the public health. (*New.*)

INSPECTION OF ANIMALS, MEAT, ETC.

Inspection of food supplies

**99.**—(1) A medical officer of health or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article, exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man; and if such article appears to him to be diseased, or unsound or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man. R.S.O. 1897, c. 248, s. 108 (1).

Penalty

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall incur a penalty of

not

not less than $10 nor more than $100 for every such article unless he proves that he did not know and had no means of knowing the condition of such article. R.S.O. 1897, c. 248, s. 108 (2). *Amended.*

Scientific examination where existence of certain diseases charged. R.S.C., 1906, c. 75.

(3) Where it is charged upon any prosecution under this section that any animal, or the meat or milk of any animal, is affected with any disease named in section 2 of *The Animal Contagious Diseases Act of Canada,* or with wens, clyers, actinomycosis or osteosarcoma, or any disease of a cancerous nature, the medical officer of health may make, or cause to be made, or request the Provincial Board to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists; and the Minister may instruct the Chief Officer of Health to make such examination or cause the same to be made. R.S.O. 1897, c. 248, s. 108 (3); 1 Edw. VII. c. 12, s. 35.

Expenses and fee on examination.

(4) The expenses of such examination, together with a fee not exceeding $10, shall be certified by the Chief Officer of Health, and shall be payable by the treasurer of the municipality in which such animal, meat or milk is found.

Onus of proof.

(5) In any prosecution under this section the burden of proof that any article in respect of which the charge is laid is not kept for sale or intended for food for man shall be upon the person charged. (*New.*)

Feeding certain things to hogs.

**100.**—(1) Whenever any medical officer of health or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

Penalty.

(2) The owner, or person in charge of, or any person found feeding any such blood, offal or meat to hogs, shall incur a penalty of not less than $5 nor more than $50, and upon his conviction the medical officer of health shall order the hogs, whether dead or alive, to be destroyed or so disposed of as to prevent them from being exposed for sale or used for food for man.

Onus of proof.

(3) In every prosecution under this section, where it is proved that such blood, offal or decomposed meat was found upon the premises, the burden of proof that the same was not

intended

intended to be fed to hogs shall be upon the person charged. R.S.O. 1897, c. 248, s. 108 (8).

Inspection of slaughter-houses.

**101.**—(1) Every butcher and other person selling meat shall on the request of the medical officer of health make affidavit as to the place at which the slaughter of his meat is carried on, and where it is without the limits of the municipality such place shall be open to inspection by the medical officer of health or by an inspector appointed by the Council of the municipality in which the meat is offered for sale.

Notice to discontinue sale.

(2) In case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

Penalty.

(3) If after receiving such notice the butcher or other person sells or offers for sale any meat in the municipality he shall incur a penalty not exceeding $20. (*New.*)

Selling or selling calves under four weeks old.

**102.**—(1) Any person who knowingly sells or has in his possession with intent to sell as food for man, the meat of any calf less than four weeks old shall incur a penalty of not less than $10 nor more than $50. (*New.*)

Burden of proof.

(2) In every prosecution under this section, where it is proved that the meat of any calf less than four weeks old was found upon the premises, the burden of proof that the same was not intended as food for man shall be upon the person charged. (*New.*)

MUNICIPAL SLAUGHTER HOUSES, ABATTOIRS, ETC.

By-laws for establishing slaughter-houses, cattle-yards or pens.

**103.**—(1) The municipal council of a city or town may by by-law provide for the establishment, within the municipality, or in an adjoining municipality, the council of which has by by-law sanctioned its establishment therein, of a public slaughter-house or abattoir with proper cattle-yards and pens in connection therewith for the proper keeping therein of animals intended for slaughter, and for charging fees for the use thereof.

Regulation of slaughter-houses, etc.

(2) Every such slaughter-house or abattoir, and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with the regulations. R.S.O. 1897, c. 250, s. 1.

Local board of health to have control.

**104.**—(1) The local board of the city or town by which the slaughter-house or abattoir, cattle-yards or pens are established, shall have the supervision of them, and shall be responsible for the due carrying out of the regulations, and the costs of the supervision and inspection shall be

be paid from time to time by the treasurer of the city or town out of the fees charged, on the order of the local board of health. R.S.O. 1897, c. 250, s. 2 (1). *Amended.*

Competent persons employed for inspecting animals and meat.

**105.** Such local board may employ one or more persons, approved of by the medical officer of health, to inspect at such slaughter-house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for food for man. R.S.O. 1897, c. 250, s. 3.

Inspection of meat-packing establishments.

**106.** Any meat-packing establishment shall be subject to inspection in the same manner as a municipal slaughter-house or abattoir. R.S.O. 1897, c. 250, s. 5.

USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

Penalty for hindering officers from inspecting meat, etc

**107.** Any person who obstructs, hinders, or delays or prevents the Provincial Board or Chief Officer of Health or other officer of the Board, or any local board, or a member thereof, medical officer of health or sanitary inspector, or any person employed by or acting under the direction of any of them in the exercise of any of the powers conferred, or performance of any of the duties imposed upon them by this Act or by the regulations, or in carrying out any order lawfully given by them, shall incur a penalty of not less than $25 nor more than $100. R.S.O. 1897, c. 248, s. 109. *Amended.*

Calling for assistance of constables, etc.

**108.** Whenever a local board, or a member thereof, medical officer of health or sanitary inspector, is required or empowered by this or any other Act or by the regulations or by a municipal by-law to do or to prevent or to direct or enforce the doing of anything, such board or member or officer or inspector may use such force and employ such assistance as is necessary to accomplish what is required, and may when obstructed in so doing call for the assistance of any constable or other person, and it shall be the duty of every constable so called upon to render such assistance. R.S.O. 1897, c. 248, ss. 110, 111.

PENALTIES AND RECOVERY THEREOF.

Penalties.

Communicable diseases.

**109.**—(1) Any person who contravenes any of the provisions of sections 53 to 72 for which no other penalty is provided, shall incur a penalty of not less than $25 nor more than $100. R.S.O. 1897, c. 248, s. 115 (1). *Amended.*

Other offences.

(2) Any person who contravenes any other provision of this Act or of the regulations or of any municipal by-law passed under this Act, or who wilfully disobeys or neglects to carry out any order or direction lawfully given by the Provincial Board, a local board, member of a local board, medical officer of health or sanitary inspector, unless it is otherwise provided shall incur a penalty of not less than $5 nor more than $20. R.S.O. 1897, c. 248, s. 115 (2).

Continuance of offence.

(3) Where any person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance, or other unsanitary condition, which it is such person's duty to remove, or of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act, or to such regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default, and shall be liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken. R.S.O. 1897, c. 248, s. 115 (4). *Amended.*

Application of 10 Edw. VII. c. 37.

**110**. Penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act* before a police magistrate or two Justices of the Peace. (*New.*)

Application of penalties.

**111**.—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation of a municipality, or the local board, or the medical officer of health or other health officers of the municipality shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board of health.

Offences in unorganized territory.

(2) Where the prosecution is at the instance of the Provincial Board or of any Provincial officer or where the offence was committed in territory without municipal organ-

ization

ization the penalty shall be paid to the Treasurer of Ontario. (*New.*)

Where offence is against Act and by-law.

**112.** Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. R.S.O. 1897, c. 248, s. 120.

ALL PROCEEDINGS BARRED BY POVERTY, ETC.

Certificate of poverty or inability a bar to prosecution.

**113.** Where any person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act, or of the regulations, gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for a period of six months. R.S.O. 1897, c. 248, s. 117.

BY-LAW IN FORCE IN EVERY MUNICIPALITY.

Application of enactments in Schedule "B."

**114.**—(1) The by-law set out in Schedule B, hereinafter called the statutory by-law, and every amendment thereof, shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality shall have authority to pass by-laws with the approval of the Provincial Board for making additional requirements in respect to any of the matters dealt with by the statutory by-law.

Amendment of by-law.

(2) The Board may permit the council of any municipality to amend the statutory by-law so as to conform to the requirements of the municipality or to meet such special circumstances as in the opinion of the Board may warrant such amendment. R.S.O. 1897, c. 248, s. 122 (1), (2). *Amended.*

POSTPONEMENT OF MUNICIPAL AND SCHOOL ELECTIONS.

Postponement of election in case of epidemics.

**115.**—(1) Where the Provincial Board reports to the Lieutenant-Governor that on account of the prevalence in any municipality of any communicable disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor in Council may, of his own motion, or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such

election

election if, in the opinion of the Board the necessity for postponement continues.

Fixing date for holding postponed election.

(2) The Lieutenant-Governor may, by the proclamation, name the days for holding the nomination and polling, but, if no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law, name the days for the nomination and polling. R.S.O. 1897, c. 248, s. 47. *Amended.*

UNORGANIZED TERRITORIES.

Application of sections 111 to 122.

**116.** Sections 117 to 123 shall apply only to territory without municipal organization.

Regulations.

**117.**—(1) The Provincial Board of Health may, with the approval of the Lieutenant-Governor in Council, make regulations:

(*a*) Respecting any industry and the conditions under which the same may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;

(*b*) For the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;

(*c*) For providing for the inspection of houses and premises;

(*d*) For providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed, and for the erection of permanent or temporary hospitals for the accommodation of persons so employed.

Regulations, general or local or special.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

Expenses.

(3) The expenses of carrying out the regulations shall be paid to the person entitled thereto by the persons, firms or corporations whose duty it may be to carry out such regulations, and the amount so to be paid shall be apportioned by the Minister among them as he may deem proper, and every

amount

amount so apportioned shall be deemed to be a debt due from the person, firm or corporation, and may be recovered by the person entitled thereto by action in any court of competent jurisdiction. 1 Edw. VII., c. 34, ss. 1-3.

(4) If default is made in complying with any of the regulations the Board may direct that what is omitted to be done shall be done at the expense of the person, firm or corporation in default, and if the default is the failure to employ a duly qualified medical practitioner, as provided by clause (*d*) of subsection 1, the employing person, firm or corporation shall be liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness. (*New.*)

Police magistrates to be *ex officio* health officers.

**118**. Every police magistrate shall be *ex officio* a medical officer of health in and for the district or part of a district for which he is appointed. R.S.O. 1897, c. 248, s. 39. *Amended.*

Constables to be *ex-officio* sanitary inspectors.

**119**. Every constable shall be *ex officio* a sanitary inspector for the locality for which he is appointed. R.S.O. 1897, c. 248, s. 41. *Amended.*

Superintendent and officers in Algonquin Park.

**120**. The Superintendent of the Algonquin Park shall be *ex officio* a medical officer of health for the Park, and for the territory surrounding it for the distance of one mile therefrom or from any part thereof; and all the park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under this Act for the Park and such territory. R.S.O. 1897, c. 248, s. 42.

District officers of health.

**121**. The Lieutenant-Governor in Council may appoint medical officers of health; and every such officer shall within the locality for which he is appointed have all the powers and perform all the duties by this Act, or any other Act, conferred or imposed upon medical officers of health, or local boards of health, and shall also perform such other duties as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 248, s. 45.

Sanitary inspectors.

**122**. The Provincial Board may also, with the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors, who shall possess, in addition to the powers conferred upon sanitary inspectors by this Act, all the powers conferred upon local boards of health by section 27 of this Act. R.S.O. 1897, c. 248, s. 40.

Salaries guaranteed

**123**. The Medical Officer of Health and the Sanitary Inspectors shall be paid such salary or other remuneration as may be determined by the Lieutenant-Governor in Council out of the appropriation made by the Legislature for the purposes of the Provincial Board. R.S.O. 1897, c. 248, ss. 45, 46. *Amended.*

EXPENSES OF ENFORCEMENT OF ACT.

Expenses to be payable in first instance by Province.

**124**.—(1) The expenses incurred by the Provincial Board in the enforcement of this or any other Act or of the Regulations shall be payable in the first instance by the Treasurer of Ontario out of any moneys appropriated by the Legislature for the expenses of the Board, and in such manner and upon such certificate and after such audit as the regulations may prescribe, anything in *The Audit Act* or any other Act to the contrary notwithstanding.

R.S.O. 1914, c. 9.

Payment on certificate of proper officer.

(2) Whenever an account is certified by the officer designated in the regulations to be properly payable out of such appropriation, such certificate shall be final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. (*New.*)

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR REMOVED INTO HIGH COURT.

Proceedings not to be quashed for want of form or removed into High Court.

**125**. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or otherwise into the High Court. R.S.O. 1897, c. 248, s. 121. *Part.*

Existing regulations continued.

**126**. Except in so far as they are inconsistent with this Act all existing regulations made under any of the Acts repealed by this Act are confirmed and declared to be legal, valid and binding and shall continue in force until altered or repealed by the Provincial Board with the approval of the Lieutenant-Governor in Council.

REPEALING AND SAVING CLAUSES.

Repeal.

**127**.—(1) The following Acts and parts of Acts, namely,

Rev. Stat. c. 248.

*The Public Health Act,* being chapter 248 of the Revised Statutes of Ontario, 1897;

Rev. Stat. c. 250.

*An Act respecting the Slaughtering of Cattle and the Inspection of Meat and Milk Supplies of Cities and Towns,* being chapter 250 of the Revised Statutes of Ontario 1897;

Section

Section 35 of an Act to amend the Statute Law, chapter 12, of the Acts passed in the first year of the reign of His late Majesty King Edward the Seventh; 1 Edw. VII. c. 12, s. 35.

*An Act respecting Sanitary Regulations in Unorganized Territories,* being chapter 34 of the Acts passed in the 1st year of the said reign; 1 Edw. VII. c. 34.

*An Act to amend the Public Health Act,* being Chapter 34 of the Acts passed in the 2nd year of the said reign; 2 Edw. VII. c. 34.

*An Act to amend the Public Health Act,* being chapter 29 of the Acts passed in the 3rd year of the said reign; 3 Edw. VII. c. 29.

Section 32 of *The Statute Law Amendment Act, 1906;* 6 Edw. VII. c. 19, s. 32.

Section 51 of *The Statute Law Amendment Act, 1908;* 8 Edw. VII. c. 33, s. 51.

*The Acts to Amend The Public Health Act,* passed in the 9th year of the said reign, chaptered 84 and 85; 9 Edw. VII. c. 84, 85.

Section 33 of *The Statute Law Amendment Act, 1910;* 10 Edw. VII. c. 26, s. 33.

*The Acts to Amend The Public Health Act,* passed in the 1st year of His present Majesty's reign, chaptered 67 and 68 1 Geo. V. c. 67, 68.

are repealed.

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SCHEDULE "A."

(Section 50 (2).)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act,* and the regulations made thereunder, possession has been taken (*or obtained, as the case may be*) of the following lands (*or* building, *as the case may be*) namely,

(*Reasonable Description*)

and further take notice that such land (*or* building) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of or such other time as may in the discretion of the undersigned be necessary.

Dated, etc.

(Signature)

SCHEDULE

## SCHEDULE B.

(*Section* 114.)

BY-LAW IN FORCE IN EVERY MUNICIPALITY UNTIL ALTERED BY THE MUNICIPAL COUNCIL.

Duty of medical health officer.

1. It shall be the duty of the Medical Officer of Health to assist and advise the Local Board of Health and its officers in matters relating to public health, and to superintend, under the direction of the Board, the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health, as may, in his opinion, be necessary, or as may be required by the Local Board of Health. He shall also present to the Board, before the 15th day of November in each year, a full report upon the sanitary condition of the municipality.

Duty of sanitary inspector.

2. The sanitary inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health and perform such other duties as may from time to time be assigned to him by the Local Board of Health or its chairman

Chairman of Board of Health to report to Council.

3. The chairman of the Local Board of Health shall, before the 1st day of December in each year, present to this Council a report containing a detailed statement of the work of the Board during the year, and the report of the sanitary condition of the municipality, as rendered to the Board by the Medical Officer of Health. A copy of each such report shall be transmitted by the secretary to the Provincial Board of Health.

Deposits endangering public health forbidden.

4. No person shall within this municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any land belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.

Duty of Sanitary Inspector as to lands, etc.

5. It shall be the duty of the sanitary inspector to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises upon which any such accumulation may be found, and at once to notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the Local Board of Health, all premises occupied by persons residing within the municipality, and shall report to the Board every violation of any of the provisions of this by-law, or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

Examination of buildings or premises by Sanitary Inspectors.

6. Whenever it shall appear to the Local Board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of this municipality is received stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar, kept or constructed

so as to be dangerous or injurious to the public health, or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter or thing is kept so as to be dangerous or injurious to the public health, it shall be the duty of the sanitary inspector to enter such building or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours notice from any such officer to remove or abate such matter or thing, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties mentioned in section 33.

Notice to put premises in proper sanitary condition or to quit same.

7. If the Local Board is satisfied upon due examination that a cellar, room, tenement, or building within the municipality, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the Board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the Board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties mentioned in section 33, and the Board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Distance of slaughter-house, etc.

8. No person shall at any time use any house, shop or outhouse as a slaughter-house or as a place for slaughtering animals or fowls therein, unless such shop, house or outhouse is distant not less than two hundred yards from any dwelling-house, and not less than seventy yards from any public street.

Inspection of slaughter-house.

9. All slaughter-houses within this municipality shall be subject to inspection under the direction of the Local Board of Health; and no person shall keep any slaughter-house unless the permission in writing of the Board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the slaughter-house shall be so kept as not to impair the health of persons residing in its vicinity, and upon such condition being broken the permission may be revoked by the Board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

Inspection of cow byres, cheese factories and creameries.

10. All milch cows, cow byres and dairies, and all places in which milk is sold or kept for general use, and all cheese-factories and creameries shall be subject to inspection under the direction of the Board; and the proprietors shall obtain permission in writing from the Board, to keep any such dairy or other place in which milk is so sold or kept, or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken the said permission may be revoked by the Board.

Sale of diseased food.

11. No person shall offer for sale within this municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or other cause is unfit for use.

Supply of drinking water.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the Local Board of Health to determine as to the same; and if the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant; and if not, by the owner; and in either case such expense shall be recoverable in the same manner as municipal taxes.

Wells to be cleaned out, etc.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each year, and if the Local Board of Health certifies that any well should be filled up, such well shall be forthwith filled up by the owner or occupant of the premises, and no well shall be used as a privy, privy vault or cesspool.

Details of establishment of privy vaults, etc., to be approved by M. H. O.

14. No privy-vault, cesspool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the approval in writing of the medical health officer has been obtained.

Time deposits to be removed.

15. The next preceding section shall not apply to earth privies or earth closets without a vault below the surface of the ground, but sufficient dry earth, wood-ashes or coal ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily, and the contents when removed must be placed in a shed or box with rain-proof cover, and removed from the premises at least once a year on or before the 1st day of May.

Cleaning out and disinfecting privy vaults, etc.

16. If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools or reservoirs shall be allowed in accordance with section 14, they shall be cleaned out at least once a year, on or before the 1st day of May, and from the 1st day of May to the 1st day of November in each year they shall be thoroughly disinfected by adding to the contents of the vault, cess-pool or reservoir, once a month, not less than two pounds of chloride of lime, dissolved in two pailfuls of water.

Deodorization before removal.

17. Within the limits of this municipality no night-soil or contents of any cess-pool shall be removed, unless previously disinfected as provided by section 16, and during its transportation the material shall be covered with a layer of fresh earth, unless the removal is by some odourless excavating process.

Time for removal of decayed animal or vegetable matter.

18. All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year.

Time for removal of garbage.

19. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle, the contents of which shall be regularly removed, at least twice a week.

Hogs.

20. Swine shall not be kept within the limits of this municipality, except in pens, with floors kept free from standing water and regularly cleansed and disinfected, and distant at least one hundred feet from any dwelling house, school house or church.

Livery stable.

21. The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit more than two waggon-loads of manure to accumulate in or near the same at any one time, and shall at all times keep such manure in a proper covered receptacle.

House construction. Soil of building sites to be disinfected.

22. No house shall be built upon any site, the soil of which has been made up of any refuse, unless such soil has been removed from such site, and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Ventilation of drains, etc.

23. The drain of every house, connected with a sewer or cess-pool shall be properly ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house. Such pipes shall be of the same dimensions as the main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the ventilating pipes. If a trap intervenes between the sewer or cess-pool, and the ventilating pipes, then a four-inch ventilating pipe of such material shall be carried from a point between such trap and the sewer. Every ventilating pipe shall be carried above the roof of the house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house to prevent the escape into it of gases from such ventilating pipes.

24. No pipe from any drain or soil-pipe shall be connected with any chimney in a dwelling-house.

Description of drain pipes.

25. Every house-drain shall be constructed of vitrified earthenware or iron pipe; and every soil and waste-pipe of iron pipe shall be rendered impervious to gas or liquids, by the joints being run with lead and caulked, or constructed of lead pipe weighing at least 6 pounds to the square foot; and the waste-pipe from every closet, sink, tub, wash-basin or other service shall have as near as possible to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into the house. And all joints shall be so constructed as to prevent gas escaping through them.

Certain closets prohibited.

26. The construction of any closet or other convenience which allows of the escape from it or from the drain or soil-pipe into the house of air or gas is prohibited.

Pipes supplying water to closets.

27. No pipe supplying water to a water-closet or urinal, shall be directly connected with a pipe supplying water for drinking purposes.

Plumbing and drainage plans to be filed.

28. Every person who erects or causes to be erected, any building shall, within two weeks after the completion thereof, deposit with the Local Board of Health plans of the drainage and plumbing of the same as executed; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner a plan of any such alteration; if such alteration is made by an occupant it shall be his duty to deposit or cause to be deposited the plan.

Rules respecting infectious and contagious diseases. Duties of M. O. H.

29. The Medical Officer of Health, or the Secretary of the Local Board of Health shall provide each legally qualified medical practitioner, practising within this municipality, with blank forms on which he shall report cases of communicable disease to the Medical Officer of Health, Officer or Secretary, and, also, with other blank forms on which to report death or recovery from any such disease.

Forms, kind of

30. All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of an envelope, and shall call for the following information:

*Report of Communicable Disease.*

Blank forms

Christian name and surname of patient:
Age of patient:
Locality (giving street, number of house or lot), where patient is:
Name of disease:
Name of school attended by children from that house.
Measures employed for isolation and disinfection:
(Signature of physician):
.....

*Report of Death or Recovery from Infectious Disease.*

Christian name and surname of patient:
Locality (giving street, number of house or lot), where patient is:
Name of disease:
How long sick:
Whether dead or recovered:
Means of disinfection employed, and when employed:
(Signature of physician).
.....

Notice of disease to be posted up.

31. The Medical Officer of Health within six hours after he has received notice of the existence in any house of any communicable disease in respect of which it is his duty to do so, shall affix or cause to be affixed, near the entrance of such house, a card at least nine inches wide and twelve inches long, stating that such disease exists in the house, and stating the penalty for removal of such card without the permission of the Medical Officer of Health, and no person shall remove such card without his permission.

Not to be removed.

Animals affected.

32. No animal suffering from any communicable disease shall be brought or kept within this municipality, except by permission of the Medical Officer of Health.

Penalties

33. Any person who violates sections 4, 6, 7, 9, or 11 of this by-law, or section 22, or sections 31 or 32, shall for every offence, incur a penalty of not less than $5 nor more than $50; and any person who violates any other provision of this by-law shall for every offence incur a penalty of not more than $20; and such penalties shall be recoverable under "The Ontario Summary Convictions Act."

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CHAPTER

# CHAPTER 59.

## An Act respecting Vaccination and Inoculation.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
HOSPITALS TO PROVIDE SUPPLY OF VACCINE MATTER, ss. 2-4.
MUNICIPALITIES TO PROVIDE FOR VACCINATION OF RESIDENTS, ss. 5-7.
VACCINATION OF CHILDREN, s. 8.
FEES FOR VACCINATION, s. 9.
Penalty, s. 10.
Plea of previous conviction when allowed, s. 11.
ENFORCING VACCINATION, s. 12.
VACCINATION OF CHILDREN, ATTENDING SCHOOL, ETC., s. 13.
PENALTY FOR INOCULATING WITH VARIOLOUS MATTER, ss. 14, 15.
PROSECUTIONS, s. 16.
REPEAL, s. 17.


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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Vaccination Act.* (*New.*) Short title.

**2.** The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of Ontario, shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter for, Trustees, etc., of hospitals to keep vaccine matter for certain purposes.

(*a*) The vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons, and at their own expense of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the hospital or dispensary; Vaccination at hospital.

For furnishing legally qualified medical practitioners.

(*b*) Furnishing, on application, to every legally qualified medical practitioner, such reasonable quantities of vaccine matter as he from time to time requires;

For the use of the Indians.

(*c*) Furnishing, on application, to the Superintendent-General of Indian Affairs, or his assistant, or to any visiting Superintendent of Indian Affairs, such reasonable quantities of vaccine matter as he may from time to time require for the use and benefit of any settlement of Indians. R.S.O. 1897, c. 249, s. 1.

No warrant for the payment of money to issue to any hospital unless it has a sufficient quantity of vaccine matter on hand, etc.

**3.** No warrant shall issue for the payment of any money granted by the Legislature to any hospital or dispensary, unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such hospital or dispensary, to the effect that there is actually on hand therein a supply of vaccine matter which is believed to be sufficient for the purposes mentioned in section 2 from the date of such certificate, or setting forth reasons in explanation of any deficiency in such supply to the satisfaction of the Lieutenant-Governor in Council, nor unless, nor until a certificate so signed has been filed to the effect that at no time since the date of the then last certificate, has the demand upon such hospital or dispensary for vaccine matter for such purposes, exceeded the supply in hand in such hospital or dispensary, or setting forth reasons in explanation of any deficiency in such supply, to the satisfaction of the Lieutenant-Governor in Council. R.S.O. 1897, c. 249, s. 2.

Annual statement to be laid before Assembly respecting vaccination.

**4.** The trustees, governors, directors or other officers or persons having for the time being the control and management of any hospital or dispensary to which aid has been granted during any session of the Assembly, shall cause to be transmitted to the Provincial Secretary, in time for copies thereof to be laid before the Assembly, during the first fifteen days of the then next Session, a statement certified by the proper officers of such hospital or dispensary, showing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. R.S.O. 1897, c. 249, s. 3.

Municipalities to employ medical practitioners to vaccinate the citizens, etc.

**5.**—(1) The corporation of every city, town, township and village, shall contract with one or more legally qualified medical practitioners, for the period of one year, and so from year to year, as such contract expires, for the vaccina-

tion

tion, at the expense of the corporation, of all poor persons, and at their own expense of all other persons resident in such municipality, who come to such medical practitioners for that purpose.

Remuneration to depend on success.

(2) It shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioners. R.S.O. 1897, c. 249, s. 4.

Local board of health in default of municipality may employ a medical practitioner.

**6.**—(1) If the corporation neglects to make such contract and such neglect continues for one month after the attention of the council has been called in writing by the local board of health to such neglect, and to the powers which, in case of such neglect, it may exercise under the authority of this Act, the local board may contract with the medical officer of health of the municipality, or other legally qualified medical practitioner, to perform all the duties which may be performed by, or are incumbent upon a medical practitioner under this Act, if appointed or contracted with by the corporation under the next preceding section, and the corporation shall be liable to the medical practitioner for the fees for vaccination or for duties performed to the extent provided for by this Act as if the contract had been made by or with the corporation.

Local board to appoint place and give notice.

(2) The local board of health may also, unless the council has already done so, appoint the places and give the notice where and when such vaccination shall be performed, as is required by the next succeeding section, to be done by the council. R.S.O. 1897, c. 249, s. 5.

City to appoint a convenient place in each ward for performance of vaccination.

**7.** The council of every city and town shall appoint a convenient place in each ward, and the council of every township and village, shall appoint a convenient place therein, for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward or within the township or village, due notice of the days, hours and place at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend, to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days, hours and place at which such medical practitioner will attend to inspect the progress of such vaccination in the persons so vaccinated. R.S.O. 1897, c. 249, s. 6.

Parents, etc., bound to take children to be vaccinated.

8.—(1) The father and mother of every child born in such city, town, township, or village, shall, at some appointed time, within three months after the birth of such child, or in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some appointed time, within four months after the birth of the child, take or cause to be taken, the child to the medical practitioner in attendance at the appointed place, according to the provisions of the preceding sections, for the purpose of being vaccinated, unless the child has been previously vaccinated by a legally qualified medical practitioner and the vaccination has been duly certified; and the medical practitioner so appointed shall thereupon, or as soon after as it can conveniently and properly be done, vaccinate the child. R.S.O. 1897, c. 249, s. 7 (1).

And exhibit them to the medical practitioner on eighth day.

(2) Upon the eighth day following the day on which any child has been so vaccinated, the father or mother, or other person having the care, nurture or custody of the child, shall again take or cause to be taken the child to the medical practitioner by whom the operation was performed, or the other medical practitioner in attendance, in order that he may ascertain by inspection the result of the operation. R.S.O. 1897, c. 249, s. 8.

Certificate of successful vaccination to be given.

(3) Immediately after the successful vaccination of a child born in any city, town, township or village, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the child, a certificate under his hand, Form 1, that the child has been successfully vaccinated, and shall transmit a duplicate of the certificate to the clerk of the municipality in which the operation was performed.

What to be evidence of.

(4) Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of the child in any information or complaint brought against the father or mother, or the person who had the care, nurture or custody of the child, for noncompliance with the provisions of this Act. R.S.O. 1897, c. 249, s. 9.

If the child be found unfit for vaccination.

(5) If the medical practitioner is of opinion that a child brought to him is not in a fit and proper state to be successfully vaccinated he shall deliver to the father or mother of the child, or the person having the care, nurture or custody of the child on demand and without fee, a certificate under his hand, Form 2, that the child is in an unfit state for successful vaccination.

Certificate.

How long to be in force.

(6) Such certificate or a similar certificate of a legally qualified medical practitioner, shall remain in force for two months from its delivery; and the father or mother, or the person having the care, nurture or custody of the child, unless within each succeeding period of two months a renewal of such certificate has been obtained from a legally qualified medical practitioner, shall within two months after the delivery of the certificate, and if the child is not vaccinated by the termination of such period, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner, so appointed, such child to be vaccinated by him.

Re-presentation of the child to be repeated until successful vaccination.

Vaccination and certificate thereof.

(7) If the medical practitioner deems the child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate it, and shall immediately after the successful vaccination of the child, deliver to the father or mother, or the person having the care, nurture or custody of the child, a certificate under his hand, Form 1, that the child has been successfully vaccinated.

Certificate of unfitness for vaccination on re-examination.

(8) If the medical practitioner is of opinion that the child is still in an unfit state for successful vaccination, he shall again deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand, Form 2, that the child is still in an unfit state for successful vaccination, and the medical practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall at the expiration of every succeeding period of two months, deliver, if required, to the father or mother, or to the person having the care, nurture or custody of the child, a fresh certificate under his hand, Form 2.

Effect of certificate.

(9) The production of such certificate or a similar certificate from a legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. R.S.O. 1897, c. 249, s. 10.

If the child is found insusceptible of vaccine disease.

(10) If a medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner, is of opinion that any child vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand, Form 3, and the production of the certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or

custody

custody of the child, for non-compliance with the provisions of this Act. R.S.O. 1897, c. 249, s. 11.

Children brought into municipality.

(11) This section shall also apply to all children over the age of three months who become resident in a municipality, and such children shall for the purposes of this section be considered as children born in the municipality at the date on which they became resident within it. R.S.O. 1897, c. 249, s. 7 (2).

Fees under this Act

**9**. In all contracts made under the provisions of this Act, the sums contracted to be paid shall not be more than twenty-five cents for each person successfully vaccinated, including all or any of the certificates required by this Act. R.S.O. 1897, c. 249, s. 12.

Penalty for non-compliance with the requirements of this Act.

**10**. If the father or mother, or person having the care, nurture or custody of a child does not cause the child to be vaccinated within the periods prescribed by this Act, or does not, on the eighth day after the vaccination has been performed, take or cause to be taken the child for inspection, according to the provisions of this Act, the father or mother, or other person so offending, shall incur a penalty not exceeding $5. R. S. O. 1897, c. 249, s. 13.

How far and when plea of conviction shall avail.

**11**.—(1) After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child.

Production of certificates in defence.

(2) The production of a certificate, Form 1 or 3, under the hand of a legally qualified medical practitioner, shall be a sufficient defence against such complaint; but the production of a certificate, Form 2, shall not be a sufficient defence, unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. R.S.O. 1897, c. 249, s. 14.

Enforcing vaccination.

**12**.—(1) In every municipality where smallpox exists, or in which the Provincial or local board of health has notified the council that in its opinion there is danger of its breaking out owing to the facility of communication with infected localities, the council of the muncipality shall order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the same manner as the vaccination of children, except that a person

person of fourteen years of age or over, but under the age of twenty-one years, who is not in the custody or under the control of his father or mother or of any other person, and every person of twenty-one years or over, shall present himself for vaccination by the medical practitioner, or by some other legally qualified medical practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of every such person, as he is required to take with regard to children.

Proclamation by head of municipality.

(2) A proclamation issued by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, or if there is no such newspaper, in at least one newspaper published in the county or district in which such municipality is situate, warning the public that this section is in force, shall be sufficient evidence to justify the conviction of any person who has failed to comply with the law within a period of seven days from the publication of the proclamation. R.S.O. 1897, c. 249, s. 15.

Penalty for neglect by member of municipality.

(3) Every member of a municipal council which neglects or refuses to make the order required by subsection 1 or to make proper provision for carrying the same into effect, shall incur a penalty not exceeding $25, unless he proves that he did everything in his power to secure the making of the order or the making of proper provision for carrying any such order into effect, and causes his protest against such refusal or neglect to be recorded in the proceedings of the council.

By head of municipality.

(4) If the head of a municipality neglects or refuses to issue and publish the proclamation required by subsection 2, he shall incur a penalty not exceeding $25.

Penalty for neglect to obey order of council.

(5) Every person who wilfully neglects or refuses to obey the order of the council shall incur a penalty not exceeding $25. *New.*

Vaccination of pupils and students.

**13.**—(1) Where it is deemed necessary by the medical officer of health of any municipality owing to the presence or threatened presence of smallpox, he may, with the approval of the local board of health, require certificates of successful vaccination or of insusceptibility on re-vaccination within seven years of all pupils or students of a public, separate, continuation or high school or collegiate institute, and of a college or university, or of any other public or private institution of learning within the municipality, to be presented to the proper authorities of the institution, and no pupil or student refusing to produce such certificate on demand shall be admitted to further attendance in the institution until the certificate is furnished.

Penalty.

(2) Any principal, teacher, superintendent or officer of any such institution who commits or is party or privy to any contravention of subsection 1, shall incur a penalty not exceeding $20. (*See* R.S.O. 1897, c. 249, ss. 16, 17.)

Penalty for inoculating with variolous matter. C.S.C. c. 39, s. 1. R.S.C. 1886, App. No. 1, p. 2.

**14.** Any person who by inoculation with or by wilful exposure to variolous matter or by any matter, article or thing impregnated with variolous matter, or wilfully by any other means produces or attempts to produce, the disease of smallpox in any person, shall upon conviction thereof be liable to imprisonment for any term not exceeding one year. R.S.O. 1897, c. 249, s. 18.

Erasure from register of medical council.

**15.** If a legally qualified medical practitioner is convicted of an offence against section 14 his name shall be erased from the Register of the College of Physicians and Surgeons of Ontario, but the medical council at any time after the expiration of the term of imprisonment of any such person may restore his name to the Register. R.S.O. 1897, c. 249, s. 19.

Prosecutions. 10 Edw. VII., c. 17.

**16.** Every prosecution under this Act shall take place before a police magistrate or two justices of the peace and *The Ontario Summary Convictions Act* shall apply thereto. *New.*

Rev. Stat., c. 249 repealed.

**17.** Chapter 249 of the Revised Statutes of Ontario, 1897, is repealed.

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FORM 1.

*(Sections 8 and 11.)*

CERTIFICATE OF VACCINATION.

I, the undersigned, a legally qualified medical practitioner, hereby certify that , the child of , aged , of Ward, in the City of *(or as the case may be)*, has been successfully vaccinated by me.

*A. B.*

Dated this day of , 19 .

R.S.O. 1897, c. 249, Sched. A.

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FORM 2.

*(Sections 8 and 11.)*

CERTIFICATE OF UNFITNESS FOR VACCINATION

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that the child of , of Ward, in the City of *(or as the case may be)*,

aged

aged , is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the day of

*A. B.*

Dated this day of , 19 .

R.S.O. 1897, c. 249, Sched. B.

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FORM 3.

*(Sections 8 and 11.)*

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that the child of , of Ward, in the City of *(or as the case may be)*, is insusceptible of the vaccine disease.

*A. B.*

Dated this day of , 19 .

R.S.O. 1897, c. 249, Sched. C.

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# CHAPTER 60.

## An Act to regulate Maternity Boarding Houses and for the Protection of Infant Children.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
"MEDICAL OFFICER OF HEALTH," MEANING OF, s. 2.
MATERNITY BOARDING HOUSES NOT TO BE KEPT WITHOUT REGISTRATION, s. 3.
INFANTS NOT TO BE NURSED FOR HIRE WITHOUT REGISTRATION, s. 4.
REGISTRATION OF HOUSES, ss. 5-7.
Refusal of registration, s. 6.
Cancelling registration, s. 7.
REGISTER OF INMATES, ss. 8, 9.
NOTIFICATION OF BIRTHS, s. 10.
NOTIFICATION OF DEATHS, s. 11.
INSPECTION OF REGISTERED HOUSES s. 12.
ADOPTION OF CHILDREN, ss. 13, 14.
RECORD OF ANTECEDENTS OF INMATES, s. 17.
OFFENCES AND PENALTIES, ss. 13-18.
EXPENSES OF ENFORCING ACT s. 19.
REPEAL, s. 20.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1**. This Act may be cited as *The Maternity Boarding House Act.* (*New.*)

"Medical Health Officer," meaning of.

**2**. In this Act "Medical Officer of Health" shall mean the Medical Officer of Health of the municipality in which any house required by this Act to be registered is situate, and where the house is situate in territory without municipal organization, shall mean and include the medical officer of health appointed for the locality under *The Public Health Act.* (*New.*)

Maternity boarding houses not to be kept unless registered.

**3**. No person shall receive or retain for hire or reward any woman or girl for accouchement, or keep unmarried women or girls, being mothers of infants and not being married, with infants for board or lodging, or keep a maternity boarding house, unless registered under this Act. R.S.O. 1897, c. 258, s. 15; 61 V. c. 32, s. 2.

**4.** No person shall retain or receive for hire or reward one or more infants under the age of three years, for the purpose of nursing or maintaining such infant or infants, for a longer period than twenty-four hours, except in a house which has been registered as herein provided; but any person may be exempted from the provisions of this section by the medical officer of health of a city or by the Superintendent of Neglected and Dependent Children on proof that one child only is thus cared for. R.S.O. 1897, c. 258, s. 16; 61 V. c. 32, s. 3. Home for infant children not to be kept unless registered.

**5.**—(1) The medical officer of health or any officer specially appointed by him for that purpose shall keep a register of the names of persons applying to register under this Act, and therein shall cause to be registered the name and house of every person so applying and the situation of the house; and the medical officer of health shall fix the number of women or girls or infants who may be received into any house so registered. Register of maternity boarding houses and infants' homes

(2) The registration shall remain in force for one year, and a fee, not exceeding $10, shall be charged for registration. R.S.O. 1897, c. 258, s. 17; 61 V. c. 32, s. 4. Registration, duration and fee for.

**6.** The medical officer of health may refuse to register any house unless satisfied that it is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain, keep and properly lodge such women or girls or infants. R.S.O. 1897, c. 258, s. 18; 61 V. c. 32, s. 5. Discretion as to registration.

**7.** If it is shown to the satisfaction of the medical officer of health that a person whose house has been so registered as aforesaid has been guilty of serious neglect or is incapable of providing the women or girls or infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of women or girls or infants, the medical officer of health may remove the name and house from the register. R.S.O. 1897, c. 258, s. 19; 61 V. c. 32, s. 6. Cancelling registration.

**8.** Every person registered as aforesaid shall immediately enter in a register to be kept by him the name and age of every woman or girl or infant and also the place from which such woman or girl or infant came before entering such house, and shall also enter in the register the name of the medical practitioner who attended at any birth taking place in such house or who attended any infant in such house, Register to be kept by keeper of boarding house or home.

house, and when such woman or girl or infant leaves the house, the place to which they are removed, and the date of such removal; also whether the infant was taken away with the mother or how otherwise disposed of, or how children boarded without their mothers are disposed of, and shall forthwith transmit to the medical officer of health a copy of every entry made in the register, and shall produce the register when required by the medical officer of health or any person appointed by him, and in the event of his refusing so to produce the register or neglecting to enter in a register the particulars hereinbefore required, he shall incur a penalty not exceeding $20. R.S.O. 1897, c. 158, s. 20; 61 V. c. 32, s. 7.

Forms for registration to be furnished to keepers.

**9**. The person registered shall be entitled to receive gratuitously from the medical officer of health a book of forms for the registration of persons received into such house, which shall also contain a printed copy of this Act. R.S.O. 1897, c. 258, s. 21; 61 V. c. 32, s. 8.

Births in houses to be attended by physician

**10**. The person so registered shall see that every birth which takes place in such house shall be attended by a legally qualified medical practitioner who shall forthwith report to the medical officer of health the fact of such birth having taken place, and shall also register the same in the manner provided by *The Vital Statistics Act*. R.S.O. 1897, c. 258, s. 23.

8 Edw. VII. c. 28.

Registered persons to give notice of all deaths occurring in house to M. O. H.

**11**. The person so registered shall within twenty-four hours after the death of any inmate of such house, whether a woman or girl or an infant born therein, or brought thereto as a boarder, cause notice thereof to be given to the medical officer of health, who shall immediately call the coroner to hold an inquest on the body of such person, unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registering that such medical practitioner had personally attended or examined the person so dying and also specifying the cause of death, and the medical officer of health is satisfied by certificate that there is no ground for holding an inquest. R.S.O. 1897, c. 258, s. 24.

Visiting and inspecting maternity boarding houses and homes for infants.

**12**. The medical officer of health shall provide for the visiting and inspecting, from time to time, of every house so registered; and the person appointed to inspect shall be entitled to enter the house at any time and examine every part thereof, and call for and examine the register kept by the person registering the house, and to inquire into all matters concerning the house and the inmates thereof; and the person registered shall give all reasonable information to the person making the inspection, and afford him every reason-

able

able facility for viewing and inspecting the premises, and seeing the inmates thereof. R.S.O. 1897, c. 258, s. 25; 61 V. c. 32, s 9.

Adoption of children from homes.

**13.** No child under three years old, whether an inmate of such house or born therein or brought thereto or otherwise, shall be given out for adoption except by and with the consent of a children's aid society, or other duly incorporated benevolent or charitable institution or society or of the Superintendent of Neglected and Dependent Children of Ontario, under such rules and regulations in that behalf as may be approved of by the Lieutenant-Governor in Council. R.S.O. 1897, c. 258, s. 26; 61 V. c. 32, s. 10.

Penalties for advertising for children for adoption.

**14.** No person registered under this Act shall advertise that he will adopt a child or children or hold out inducements to parents to part with their offspring; and when any such child is transferred by his parents or is given out for adoption to other persons, such transfer shall be made with the knowledge and consent of the agent or secretary of the children's aid society, or of the Superintendent of Neglected or Dependent Children. R.S.O. 1897, c. 258, s. 27.

Securing registration or certificates by false representation or forgery.

**15.** No person shall make any false representation for the purpose of obtaining registration under this Act, or make use of any false certificate knowing it to be false, or falsify any register kept in pursuance of this Act. R.S.O. 1897, c. 258, s. 28.

Registers, contents of, not to be disclosed.

**16.** The medical officer of health shall not, nor shall any officer employed by him, nor shall the person registered as keeper of any house, divulge or disclose the contents of the register or any of the particulars entered therein, except upon inquiry before a court of law, or at a coroner's inquest, or before some other competent tribunal, or, in the case of such officer or registered person, for the information of the medical officer of health. 61 V. c. 32, s. 12 (1).

Record of antecedents of inmates

**17.** The managers of every maternity hospital, infants' home or other refuge for women, shall ascertain and record the antecedents of women and girls coming under their care, and shall furnish to the medical officer of health such information in their possession as may be called for from time to time. R.S.O. 1897, c. 258, s. 22.

Penalty for violation of Act.

**18.**—(1) Every person who contravenes any of the provisions of this Act shall incur a penalty not exceeding $100, to be recoverable under *The Ontario Summary Convictions Act*, and shall in addition be liable to have his name and

house

house removed from the register. R.S.O. 1897, c. 258, s. 29; 61 V. c. 32, s. 11.

Trial of offences against Act. 10 Edw. VII. c. 87.

(2) Every prosecution under this Act shall take place before a Police Magistrate or two Justices of the Peace. R.S.O. 1897, c. 258, s. 30.

Expenses of Act to be borne by municipality.

**19.** All expenses incurred in and about the execution of this Act and the trial of offenders thereunder shall be borne by the municipality in which the registered house is situated, or in case it is situated in territory without municipal organization, by the Province. R.S.O. 1897, c. 258, s. 31.

Rev. Stat. c. 258; 61 V. c. 32, repealed.

**20.** Chapter 258 of the Revised Statutes, 1897, and Chapter 32 of the Acts passed in the 61st year of the reign of Her late Majesty Queen Victoria, are repealed.

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CHAPTER

## CHAPTER 61.

# An Act to amend The Children's Protection Act of Ontario.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 8 Edw. VII. c. 59, s. 19, amended.

**1.** Section 19 of *The Children's Protection Act of Ontario* is amended by adding thereto the following subsection:—

(1*a*.) The council of a township may pass a similar by-law and may limit the application of the same to such localities as the council may deem so thickly settled as to render the application of the by-law desirable.

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# CHAPTER 62.

## An Act to authorize the Appointment of Fire Guardians.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Fire Guardians Act.*

Appointment of fire guardians.

**2.**—(1) The council of a township may, on the petition of one-third of the ratepayers, at any meeting to be held before the 1st day of April in any year, appoint by by-law not less than two resident freeholders for each polling subdivision within the municipality to carry out the provisions of this Act.

Term of office.

(2) The persons so appointed shall be called "fire guardians," and shall hold office until the first meeting of a new council elected after their appointment, and until their successors are appointed. R.S.O. 1897, c. 268, s. 1.

Leave to be obtained before setting out fires.

**3.** No person shall, after the passing of such by-law, set out or set fire to any brush heap or other combustible material in any field, clearance or place in such township where the same would be likely to spread, between the first day of July and the first day of October in any year, without having first obtained permission in writing from one of the fire guardians. R.S.O. 1897, c. 268, s. 2.

Leave not to be relied on in actions for negligence.

**4.** Such permission shall not be pleaded or given in evidence in any action for negligently setting out fire, or in extenuation of so doing, or in mitigation of damages; but the absence of such permission shall, in such an action, be *prima facie* evidence of negligence. R.S.O. 1897, c. 268, s. 3.

**5.** A fire guardian on being requested to grant permission to set out fire, shall examine the place at which it is intended to set out the fire and the adjacent lands, and the timber, trees and other property thereon, and he shall refuse such request, if, in his opinion, it would not be safe to set out the fire. R.S.O. 1897, c. 268, s. 4. Inspection by fire guardian before granting leave.

**6.** The council may, by the by-law, make provision for the payment to the fire guardians for their services, and may fix a penalty to be imposed upon fire guardians refusing or neglecting to perform their duties under this Act or the by-law. R.S.O. 1897, c. 268, s. 5. Matters to be provided for in the by-law.

**7.** Any person who contravenes the provisions of section 3 shall incur a penalty not exceeding $100, recoverable on information of any resident ratepayer in the municipality before a police magistrate or two Justices of the Peace sitting together under *The Ontario Summary Convictions Act.* R.S.O. 1897, c. 268, s. 6. Penalty. 10 Edw. VII. c. 37.

**8.** The complainant shall be entitled to one moiety of the penalty, and the other moiety shall be paid over to the treasurer of the municipality. R.S.O. 1897, c. 268, s. 7. Application of penalty.

**9.** This Act shall not apply to any part of Ontario which under *The Fire Rangers Act* has been declared a fire district. R.S.O. 1897, c. 268, s. 8. Application of Act.

**10.** Chapter 268 of the Revised Statutes, 1897, is repealed. Repeal.

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# CHAPTER 63.

## An Act to protect Beaches and Shores and Beds of Rivers and Streams.

*Assented to 16th April, 1912.*

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
APPLICATION OF ACT, s. 3.
BEACHES AND SHORES, ss. 4-10.
Removal of sand, gravel or stones, ss. 4-6.
Landing wth intent to remove sand, etc., s. 5.
Possession of sand, etc., with intent to remove, s. 6.
Search warrant and proceedings thereon, ss. 7-9.
Penalties, s. 10.
RIVERS AND STREAMS:
Removal of stones, etc., prohibited, s. 11 (1).
Penalty, s. 11 (2).
PROSECUTIONS:
Procedure for recovery of penalties, ss. 12-15.
Evidence of consent, s. 14.
Amendments, s. 15.
SAVING CLAUSE, s. 16.
REPEAL, s. 17.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Beach Protection Act.* R.S.O. 1897, c. 270, s. 1. *Amended.*

Interpretation.

**2.** In this Act "vessel" shall include boat, scow, raft or other craft. *New.*

Act not to affect Dominion property.

**3.** Nothing in this Act shall apply to property belonging to or subject to the legislative control of the Dominion of Canada. R.S.O. 1897, c. 270, s. 2. *Amended.*

### BEACHES AND SHORES.

Removal of sand, stones, etc., from beaches forbidden.

**4.**—(1) No person shall take or carry away in any vessel, or otherwise transport by water, any sand, gravel or stone from the beach, shore or waters of Lake Erie, Lake Ontario or Lake Huron, so far as they are within the legislative jurisdiction of Ontario, or from any bar or flat, within such jurisdiction, adjoining any channel or entrance to such lakes unless such sand, gravel or stone is taken from a locality distant three rods or more beyond low water mark; or if the

same

same is taken within that distance, unless such person has the written consent of the owner of the beach, shore, bar or flat; or, if such beach, shore, bar or flat belongs to Ontario, unless such person has the consent of either the Lieutenant-Governor in Council or of the owner of the land to which such beach, shore, bar or flat is adjacent.

Consent of Lieutenant-Governor in Council.

(2) The consent of the Lieutenant-Governor in Council shall be sufficient without the consent of the owner of the adjacent beach, shore, bar or flat; and such consent of the Lieutenant-Governor in Council shall be necessary, where the Lieutenant-Governor in Council issues a proclamation so declaring with reference to any locality described in the proclamation. R.S.O. 1897, c. 270, s. 3.

Landing on beaches, etc., to remove sand, etc., forbidden.

**5.** No person, without the consent required by this Act, shall land or go upon such beach, bar, flat or shore, for the purpose of removing, or assisting to remove, any gravel, sand or stone therefrom. R.S.O. 1897, c. 270, s. 4.

Possession of sand, etc., with intent to remove forbidden.

**6.** No person shall have on board his vessel, or on a vessel in his possession, any sand, gravel or stone, taken without the consent required by this Act, from any such beach, bar, flat or shore, with intent to carry the same away. R.S.O. 1897, c. 270, s. 5.

Issue of search warrant.

**7.** If any person makes oath before a Justice of the Peace, that he has reason to believe, and does believe that sand, gravel or stone, in respect to which a violation of the provisions of sections 4, 5 or 6 has been committed, is on board any vessel, or at any place, the Justice of the Peace shall issue a search warrant directed to any sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel or place; and if any sand, gravel or stone is found therein or thereon, he shall seize the same and the vessel, if any, in which the same is contained, and shall keep them secure until final action as hereinafter provided is had thereon. R.S.O. 1897, c. 270, s. 6.

Issue of summons.

**8.** The owner, master, or person in possession of the vessel shall without further information laid be summoned forthwith by the Justice who issued the warrant, to appear before a Police Magistrate, or two Justices of the Peace; and if such owner, master or person in possession fails to appear, or if it is shewn to the satisfaction of the Police Magistrate or Justices of the Peace that a violation of section 6 has been committed, the Magistrate or Justices may convict the owner, master or person in possession of the vessel. R.S.O. 1897, c. 270, s. 7, *part.*

Burden of proof.

**9.** If any question arises as to the place from which the sand, gravel or stone was taken, the burden of proving the right to take the same shall be upon the owner, master or person in possession of the vessel whereon the same was found and seized. R.S.O. 1897, c. 270, s. 8.

Penalty.

**10.**—(1) Any person contravening any of the preceding provisions of this Act shall incur a penalty of not less than $10 or more than $40 for each offence.

Application of penalty.

(2) One moiety of the penalty shall belong to the prosecutor, and the other moiety to the owner of the land, or if there is no prosecutor other than the owner, then wholly to the owner. R.S.O. 1897, c. 270, s. 10.

Sale of vessel for payment of penalty.

10 Edw. VII. c. 47.

(3) In addition to all other remedies provided by *The Ontario Summary Convictions Act* for the recovery of the penalty, the same, if not paid in accordance with the conviction, may be levied by the sale of the vessel under the warrant of the convicting Magistrate or Justices. R.S.O. 1897, c. 270, s. 7, *part.*

Payment of balance after satisfying penalty and costs.

(4) Upon return being made of the sale after satisfying the penalty and the costs of the sale, the overplus, if any, shall be paid to the owner of the vessel. R.S.O. 1897, c. 270, s. 9.

BEDS OF RIVERS AND STREAMS.

Removal of stones, etc., from beds of certain streams prohibited.

**11.**—(1) No person shall remove any stone, gravel, earth or sand from the bed of any river, stream or creek running between two municipalities, or over which a bridge has been erected, or through or under which a drainage pipe or water main has been laid by or at the instance of a municipal corporation, so as to endanger the safety of or injure such bridge, pipe or main, without the consent of the council of the municipality or municipalities within whose limits the stone, gravel, earth or sand is to be taken.

Penalty.

(2) Any person who contravenes this section shall, for each offence, incur a penalty of not less than $10, or more than $25. R.S.O. 1897, c. 270, s. 11.

Prosecution.

(3) Prosecutions under this section shall be taken before a Police Magistrate or two Justices of the Peace. *New.*

PROCEDURE ON PROSECUTIONS.

Recovery of penalties.

10 Edw. VII. c. 47.

**12.**—(1) The provisions of *The Ontario Summary Convictions Act* shall apply to prosecutions under this Act unless where otherwise expressly provided for.

(2)

(2) The Police Magistrate or Justices shall, in the conviction, state to whom the penalty is to be paid, or between whom the same is to be apportioned. R.S.O. 1897, c. 270, s. 12. *Amended.* Magistrates to state application of penalty.

**13.** In addition to the mode provided by *The Ontario Summary Convictions Act* for the service of a summons or other proceeding, the same may be served by leaving it, or a copy thereof, for the person to be served on board any vessel to which he belongs, with the person being, or appearing to be, in charge or command of the vessel. R.S.O. 1897, c. 270, s. 14. *Amended.* Service of proceedings. 10 Edw. VII c. 37.

**14.** In any information or complaint, laid under sections 4 to 6, it shall be sufficient to allege that the act charged was done without consent; and if at the hearing it appears that the act charged was committed by the person charged in the information or complaint, the burden of proving consent or consents by this Act required, shall be upon him. R.S.O. 1897, c. 270, s. 15. Proof of consent.

**15.** The name of the owner in the information may be changed to that of any other owner to accord with the evidence, and no question which may arise as to the title to the land shall affect the authority of the Magistrate or Justices to determine whether the consent of the owner has been obtained. R.S.O. 1897, c. 270, s. 16. Variance between information and evidence as to ownership.

**16.** Nothing in this Act shall affect the provisions of any other Act under which the right to take sand or gravel from the shore or bed of any lake, river, stream, creek or other water may be lawfully conferred. Saving as to rights given under other Acts.

**17.** Chapter 270 of the Revised Statutes of Ontario, 1897, is repealed. Repeal.

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CHAPTER

# CHAPTER 64.

## An Act respecting Beaches and River Beds.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Beaches and River Beds Act.*

Application to Railway and Municipal Board by township.

**2.** Where a petition signed by thirty or more resident ratepayers in a township is presented to the municipal council of the township praying that an application may be made to the Ontario Railway and Municipal Board for an order permitting the ratepayers in such township or in an adjoining municipality to take sand or gravel for use in such township or adjoining municipality for building and other purposes, from the shore or bed of any lake, river, stream, creek or other waters in the municipality within the area described in the petition, the council may apply for such order as hereinafter mentioned.

Map or plan to accompany application.

**3.** The application shall be accompanied by a map or plan prepared by an Ontario Land Surveyor showing the area from which it is proposed that the sand or gravel should be taken and the map or plan shall show—

(*a*) The location of any buildings, docks, landing places, boat-houses, bathing houses or other structures in such area and upon any lot immediately adjoining the same;

(*b*) All existing roads or other means of access to such area;

(*c*) The location of any roads which may be required to afford means of access to such area; and

(*d*) Such other particulars as the Ontario Railway and Municipal Board may by general regulation require.

Notice of application.

**4.** The application shall not be considered by the Board until notice thereof and of the time and place at which the same will be heard has been published once a week in some newspaper published in the county town of the county in which the described area is situate, or, if there is no newspaper so published, then in a newspaper published in the nearest city in the same county, and has been sent by registered post to any owner or occupant whose property is affected and to such other persons as the Chairman of the Board may direct at least thirty days before the hearing of the application.

Hearing.

**5.** The Board shall at the time and place appointed hear the council, and the petitioners or their counsel, and any owner or occupant of land which may be taken or used or affected in any manner by the granting of leave to take such sand.

When removal of sand or gravel not to be allowed.

**6.** The order shall not authorize the removal of sand or gravel if it appears that such removal,—

(*a*) May cause the subsidence of or injury to or in any way interfere with any artificial work or structure having for its object the protection or formation of such beach, or the beautifying or protection of any adjoining land; or

(*b*) Endanger in any manner the safety of the public or of any person using or passing over adjoining lands; or

(*c*) Injure, impair the beauty of or purpose of, or in any manner affect lands used as an orchard, garden or pleasure ground, or as a summer residence or health resort; or

(*d*) Injure or affect the safety of any highway or bridge; or

(*e*) Injure or interfere in any manner with, or with the right of access to, any wharf, dock, landing stage, boat-house, bathing house, or any other structure erected for the convenience of pleasure of the public, or of the owners of adjoining lands; or

(*f*) That the beach, shore or bank from or opposite to which the sand or gravel is to be taken is used generally by the public or by the owners or occupants adjoining lands as a promenade, pleasure ground or play ground, or is resorted to largely for bathing and boating, and that the taking of

such

such sand or gravel will interfere with the use of any land or land covered with water for such purposes; or

(*g*) If the Board does not consider that there is a sufficient demand for such sand or gravel to render the granting of leave to take the same desirable.

Order granting application.

**7**. If the Board thinks fit to grant the application in whole or in part it may make an order specifying—

(*a*) The places from which sand may be taken within the described area or any part thereof.

(*b*) The means of access to be afforded for that purpose.

(*c*) The compensation to be paid to the owner or occupant of any land to be passed over or from which such sand may be taken or which may be affected in any other manner by the granting of the application.

(*d*) The times when and the quantities in which sand may be taken.

(*e*) The tolls and charges to be paid for the taking of the sand.

(*f*) The period during which the order is to remain in force.

Township by-law adopting order.

**8**. The council of the township may, by by-law, adopt the order and consent to be bound by its terms.

Filing and registry order.

**9**. The order of the Board shall be in triplicate and shall be filed in the offices of the Board and of the clerk of the municipality, and, with the by-law, shall be registered in the registry office of the registry division in which the described area is situate.

Order not appealable.

**10**. The order of the Board shall be final and shall not be subject to appeal, but at the expiration of the period named therein it may be renewed or a new order may be made upon the like application and subject to such terms and conditions as to compensation and tolls as the Board may deem just.

Renewal.

Annual rate to pay compensation.

**11**.—(1) The council of the township shall annually raise by general rate any amount ordered by the Board to be paid to any person whose lands are passed over or used for the purpose of taking sand or gravel or are affected thereby.

(2)

(2) The tolls and charges ordered by the Board to be paid shall be collected by the corporation of the municipality and may be applied in reduction of such rate. Tolls.

**12**. No order made under this Act shall apply to or affect the property of the Crown until assented to by the Lieutenant-Governor in Council. Crown property not affected.

**13**. This Act shall not apply to any municipality or portion of a municipality declared by the Lieutenant-Governor in Council to be exempted therefrom. Exemption of any locality by Order in Council.

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CHAPTER

# CHAPTER 65.

## An Act to impose a Tax on Dogs and for the Protection of Sheep.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
TAX ON DOGS:
- To be levied annually, s. 3.
- Duty of assessors, s. 4.
- Duty of owners of dogs, s. 5.
- Collection of tax, ss. 6, 7.
- Tax to form a fund for paying damages for injury to sheep, s. 8.

PROTECTION OF SHEEP:
- Dog worrying sheep may be killed, s. 9.
- Destruction of dog which has worried sheep, ss. 10, 11.

LIABILITY OF OWNER OF DOG, s. 12.
- Conviction not to be bar to action, s. 13.
- Extent of liability and apportionment of damage, s. 14.
- Notice to owner to kill dog, s. 15.
- Remedy when distress insufficient, s. 16.

SHEEP VALUERS:
- Appointment and duties, s. 17.

COMPENSATION WHERE OWNER UNKNOWN, ss. 18-20.

PROCEDURE, s. 21.

REPEAL, s. 22.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Dog Tax and Sheep Protection Act. New.*

Interpretation.

**2.** In this Act:—

"Dog."

(*a*) "Dog" shall include bitch;

"Owner."

(*b*) "Owner" shall include possessor or harbourer; and "owned" shall include possessed or harboured.

"Sheep."

(*c*) "Sheep" shall include lamb. *New.*

TAX ON DOGS.

**3.**(1) Subject to the provisions of section 540 of *The Consolidated Municipal Act, 1903,* and of subsection 3 of this section, there shall be levied annually, in every local municipality, upon the owner of each dog therein, an annual tax of $1 for a dog, if only one, and $2 for each additional dog, owned by him, and $3 for a bitch, if only one, and $5 for each additional bitch owned by him. Annual tax on dogs.

(2) Upon the production of a certificate in writing of a veterinary surgeon that a bitch has been spayed, such bitch shall be taxed at the same rate as a dog. Spayed bitches.

(3) The owner of a kennel of pure bred dogs which are registered in the "Canada Kennel Register," may in any year pay to the treasurer of the municipality $10 as a tax upon such kennel for that year, and upon the production to the assessor of the treasurer's certificate of payment, the owner of such kennel shall be exempt from assessment and any further tax in respect of such dogs for that year. R.S.O. 1897, c. 271, s. 1; 10 Edw. VII. c. 97, s. 1. Registered kennel.

**4.** The assessors shall, at the time of making their annual assessment, enter on the assessment roll, in a column prepared for the purpose, opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner of any dog, the number of dogs, bitches and spayed bitches, distinguishing them, by him owned. R.S.O. 1897, c. 271, s. 3; 10 Edw. VII. c. 97, s. 4. Duty of assessors

**5.** The owner of any dog shall be required by the assessors to deliver to them, in writing, a statement of the number of dogs owned by him; and for any neglect or refusal to do so, and for every false statement made in respect thereof, he shall incur a penalty of $5. R.S.O. 1897, c. 271, s. 4; 10 Edw. VII. c. 97, s. 4. Duty of owners of dogs. Penalty.

**6.** The collector's roll shall contain the name of every person entered on the assessment roll as the owner of any dog with the tax hereby imposed, in a separate column; and the collector shall proceed to collect the same, and at the same time and with the like authority, and make returns to the treasurer of the municipality, in the same manner, and subject to the same liabilities in all respects for paying over the same to the treasurer, as in the case of other taxes levied in the municipality. R.S.O. 1897, c. 271, s. 5. Tax entered on collector's roll.

Proceedings where collector has failed to collect taxes from persons assessed.

**7.**—(1) Where any person has been assessed for a dog, and the collector has failed to collect the tax imposed by this Act, he shall report the same under oath to a Justice of the Peace, who shall, by an order under his hand and seal, to be served by any constable, require such dog to be destroyed by the owner thereof, or by a constable.

Constable may destroy dog.

(2) For the purpose of carrying out such order the constable may enter on the premises of such owner and destroy such dog.

Penalty.

(3) A collector who neglects to make such report within the time required for paying over the taxes levied in the municipality, shall incur a penalty of $10. R.S.O. 1897, c. 271, s. 6.

Tax to form fund for damages, etc.

**8.**—(1) The money collected and paid to the municipality under the preceding sections, shall constitute a fund for satisfying such damages as arise in any year from dogs killing or injuring sheep in the municipality, and the residue, if any, shall from part of the funds of the municipality for the general purposes thereof; but when it becomes necessary in any year for the purpose of paying charges on the same, the fund shall be supplemented to the extent of the amount which has been applied to the general purposes of the municipality. R.S.O. 1897, c. 271, s. 7.

(2) To remove doubts it is declared that any municipality may pay out of such fund any damages which arose at any time during the year 1910, from dogs killing or injuring sheep in the municipality. *New.*

[*Section 8 is repealed by 10 Edw. VII. c. 97, s. 2.*]

PROTECTION OF SHEEP.

Dogs seen worrying sheep, etc., may be killed.

**9.** Any person may kill any dog which he sees pursuing, worrying or wounding any sheep. R.S.O. 1897, c. 271, s. 9, *part.*

Right to kill dog in field giving tongue, etc.

**10.** The owner or occupant of a farm, or his servant, who finds a dog without lawful permission in an enclosed field on such farm giving tongue and terrifying any sheep on such farm may kill such dog. R.S.O. 1897, c. 271, s. 9, *part.*

Right to kill dog straying on a farm where sheep kept.

**11.**—(1) Any person may kill any dog which he finds straying between sunset and sunrise on any farm whereon sheep are kept.

When dog straying not to be killed

(2) No dog so straying which belongs to or is kept or harboured by the occupant of any premises next adjoining such

such farm or next adjoining that part of any highway or lane which abuts thereon, nor any dog so straying either when securely muzzled or when accompanied by or being within reasonable call or control of its owner or of any person having the charge or care thereof, shall be so killed unless there is reason to believe that such dog, if not killed, is likely to pursue, worry, wound or terrify sheep then on such farm. R.S.O. 1897, c. 271, s. 9, *part*.

Persons owning dogs addicted to worrying may be summoned before a Justice of the Peace.

**12.**—(1) On complaint made in writing on oath before a Justice of the Peace, that any person is the owner of a dog which has within six months previous worried or injured or destroyed any sheep, the Justice may issue his summons, directed to such person, stating shortly the matter of the complaint, and requiring such person to appear before him, at a certain time and place therein stated, to answer such complaint, and be further dealt with according to law. R.S.O. 1897, c. 271, s. 11

On conviction of the fact, dog to be ordered to be destroyed and owner fined.

(2) In case of conviction, the Justice may make an order for killing the dog, describing the same according to the description given in the complaint and in the evidence, within three days, and in default thereof may, in his discretion, impose a penalty upon such person, not exceeding $20.

Application of penalties.

(3) All penalties imposed under this section shall be applied to the use of the municipality in which the defendant resides. R.S.O. 1897, c. 271, s. 13.

Conviction no bar to action for damages.

**13.** No conviction shall be a bar to any action by the owner or possessor of any sheep for the recovery of damages for the injury done to such sheep. R.S.O. 1897, c. 271, s. 14.

EXTENT OF LIABILITY OF OWNER OR KEEPER OF DOGS.

Extent of liability of owner or keeper of dog.

**14.**—(1) The owner of any sheep killed or injured by any dog shall be entitled to recover damage occasioned thereby from the owner of such dog, by an action for damages or by summary proceedings before a Justice of the Peace, on information or complaint before such Justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by *The Ontario Summary Convictions Act* in respect to proceedings therein mentioned. 10 Edw. VII. c. 37.

(2) The aggrieved party may recover in such action or proceeding, whether or not the owner of such dog knew that it was vicious or accustomed to worry sheep.

(3)

Apportionment of damage.

(3) If it appears at the trial that the damage or some part thereof was the joint act of some other dog, and of a dog owned by the person charged, the Court, Judge or Justice may, by the judgment or conviction, apportion the damages among and against the respective owners of the dogs, as far as they are known, in such proportions as may be deemed just.

Where owner of a dog doing damage is unknown.

(4) If it appears at the trial that the damage was occasioned by a dog, the owner of which is known, and a dog the owner of which is unknown, or has not been summoned to appear, the Court, Judge or Justice may determine and adjudge as to the proportion of the damage which, having regard to the evidence adduced as to the strength, ferocity and character of the various dogs shewn to have been engaged in committing such damage, was probably done by the dogs the owners of which have been summoned to appear, and shall determine in respect thereof and apportion the damage which the Court, Judge or Justice determines to have been probably done by the dogs whose owners or keepers have been summoned, amongst the various owners or keepers who have been so summoned.

Procedure.

(5) The like proceedings may thereafter be had against the owners of the dogs which so contributed to the damage. R.S.O. 1897, c. 271, s. 15.

Dogs known to worry sheep to be killed by owner.

**15.** The owner of any dog, to whom notice is given of any injury done by his dog to any sheep, or of his dog having chased or worried any sheep, shall, within forty-eight hours after such notice, cause such dog to be killed; and for every neglect so to do he shall incur a penalty of $2.50 for each dog, and a further penalty of $1.25 for each dog for every forty-eight hours thereafter, until the dog is killed, if it is proved in the proceedings for the recovery of such penalties, that such dog has worried or otherwise injured such sheep, unless the owner proves that it was not in his power to kill the dog. R.S.O. 1897, c. 271, s. 16.

Penalty.

Provision for cases where there is a conviction but distress insufficient.

**16.** When the owner of any sheep so killed or injured proceeds against the owner of the dog which committed the injury, before a Justice of the Peace, and is unable on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress, the council of the municipality in which the offender resided at the time of the injury shall order their treasurer to pay to the aggrieved party two-thirds of the amount ordered to be paid by the Justice by the conviction, in addition to the costs of the proceedings

proceedings before the Justice and before the council. R.S.O. 1897, c. 271, s. 17.

SHEEP VALUERS.

Sheep valuers—appointment and duties of.

**17.**—(1) The council of every township, town or village may at the first meeting in each year appoint one or more persons, to be known as sheep valuers, whose duty it shall be to inspect the injury done to sheep by dogs in cases where the owner of the dog or dogs committing the injury cannot be found, and the person aggrieved intends to make claim for compensation from the council of the municipality.

(2) The sheep valuer shall investigate the injury within forty-eight hours after notice thereof is given to him and shall forthwith make his report in writing to the Clerk of the municipality, giving in detail the extent of injuries and amount of damage done, and the report shall be acted upon by the council in adjusting the claim. 10 Edw. VII. c. 97, s. 5.

COMPENSATION WHERE OWNER UNKNOWN.

Provision for cases in which owner of dog not known.

**18.**—(1) The owner of any sheep killed or injured by any dog, the owner of which is not known, may within three months after the killing or injury apply to the council of the municipality in which such sheep was so killed or injured, for compensation for the injury; and if the council is satisfied that he has made diligent search and inquiry to ascertain the owner or keeper of such dog, and that he cannot be found, they shall award to the aggrieved party for compensation a sum not exceeding two-thirds of the amount of the damage sustained by him; and the treasurer of the municipality shall pay over to him the amount so awarded.

(2) The council may, before determining, examine parties and witnesses under oath, which may be administered by any member of the council. R.S.O. 1897, c. 271, s. 18.

After compensation paid by municipality, claims to belong to it.

**19.** After the owner of a sheep has received any money from a municipal corporation under any of the preceding sections, his claim shall thenceforth belong to the municipal corporation, which may enforce the same against the offending party for its own benefit, by any means or form of proceeding that the owner was entitled to take for that purpose, but if the corporation recovers from the offender more than it paid to the owner, besides costs, it shall pay over the excess to the owner. R.S.O. 1897, c. 271, s. 19.

Cases where owner of sheep, etc., has no compensation.

**20**. The owner of any sheep killed or injured while running at large upon any highway or unenclosed land, shall have no right to compensation from a municipal corporation. R.S.O. 1897, c. 271, s. 20.

PROCEDURE.

Procedure. 10 Edw. VII. c. 37.

**21**. Except as herein otherwise provided, *The Ontario Summary Convictions Act* shall apply to prosecutions under this Act. *New.*

Repeal.

**22**. Chapter 271 of the Revised Statutes of Ontario, 1897, and Chapter 97 of the Acts passed in the tenth year of the reign of His late Majesty King Edward the Seventh are repealed.

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CHAPTER

# CHAPTER 66.

## An Act respecting Pounds.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
ACT TO BE IN FORCE UNTIL SUPERSEDED BY BY-LAW, s. 2.
LIABILITY OF OWNER OR OCCUPANT, s. 3.
ANIMALS WHICH MAY BE IMPOUNDED, s. 4.
Notice to Clerk, s. 5.
Where to be confined if pound insecure, s. 6.
Statement of demand to be furnished to pound-keeper; release on security being furnished, s. 7.
WHEN DISTRAINOR MAY DETAIN ANIMAL; NOTICE BY DISTRAINOR IN SUCH CASE, s. 8.
NOTICE OF SALE, ss. 9-11.
KEEPER TO FEED IMPOUNDED ANIMALS, s. 12.
Recovery of expenses, ss. 13, 14.
SALE OF ANIMAL NOT REDEEMED OR REPLEVIED, s. 15.
PROCEEDINGS WHEN DAMAGES DISPUTED, s. 16.
PENALTIES:
Neglect to feed impounded animals, s. 17.
Neglect of duty by fence viewers, s. 18.
RETURNS, ss. 19, 20.
Penalty for neglect to make returns, s. 21.
Penalties, how recoverable, and how to be applied, s. 22.
REPEAL, s. 23.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Pounds Act.*

Act may be superseded by by-laws under 3 Edw. VII., c. 19.

**2.** Except so far as varied by any by-law passed under the authority of section 546 of *The Consolidated Municipal Act, 1903;* this Act shall be in force in every city, town, township, and incorporated village in Ontario. R.S.O. 1897, c. 272, s. 1.

Liability for damage done.

**3.** The owner or occupant of any land shall be responsible for any damage caused by any animal under his charge and keeping, as though such animal were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality shall be liable for any damage done by such animal, although the fence enclosing the premises of the complainant was not of the height required by such by-laws. R.S.O., 1897, c. 272, s. 2.

What animals to be impounded.

**4.** If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbours' premises after a notice in writing has been served upon him of their trespass, he shall incur a penalty not exceeding $10. R.S.O., 1897, c. 272, s. 3.

Poultry.

Notice to clerk as to animals impounded.

**5.** Where any animal has been impounded the pound-keeper shall, within twenty-four hours, deliver to the clerk of the municipality a notice in writing containing a description of the colour, age and natural and artificial marks of the animal as nearly as may be. R.S.O., 1897, c. 272, s. 4.

When the common pound is not safe.

**6.** When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any enclosed place within the limits of the pound-keeper's division within which the distress was made. R.S.O., 1897, c. 272, s. 5.

Statement of demand to be made to pound-keeper by impounder.

**7.**—(1) The person distraining and impounding the animal shall, at the time of the impounding, deposit poundage fees, if demanded, and within twenty-four hours thereafter deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages, if any, not exceeding $20, done by such animal, exclusive of poundage fees, and shall also give his written agreement, with a surety if required by the pound-keeper, in the form following, or in words to the same effect:

Form of agreement with pound-keeper.

"I (*or* we, *as the case may be*) do hereby agree that I (*or* we) will pay to the owner of the (*describing the animal*) by me (*A. B.*) this day impounded, all costs to which the said owner may be put in case the distress by me the said *A. B.* proves to be illegal, or in case the claim for damages now put in by me the said *A. B.* fails to be established."

Release of animal on security being furnished.

(2) The owner of an animal impounded shall at any time be entitled to it, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages and poundage fees that may be established against him. R.S.O., 1897, c. 272, s. 6. *Amended.*

When animal may be retained by distrainor.

**8.**—(1) If the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the municipality for straying within his premises, instead of delivering the animal to the pound-keeper, he may retain the animal in his own possession, provided

vided he makes no claim for damages done by the animal, and duly gives the notices hereinafter required. R.S.O., 1897, c. 272, s. 7.

Notice to owner if known.

(2) If the owner is known he shall forthwith give to him notice in writing of having distrained the animal. R.S.O., 1897, c. 272, s. 8.

If unknown, notice to clerk of municipality.

(3) If the owner is unknown, the person distraining shall, within forty-eight hours, deliver to the clerk of the municipality a notice in writing of having distrained the animal, and containing a description of its colour, age and natural and artificial marks, as nearly as may be. R.S.O., 1897, c. 272, s. 9.

Duty of clerk thereon.

(4) The clerk on receiving the notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post it or a copy thereof, in some conspicuous place on or near the door of his office, and keep the same so posted for at least one week, unless the animal is sooner claimed by the owner. R.S.O., 1897, c. 272, s. 10.

If the animals are worth $10 or over.

(5) If the animal or animals distrained at the same time is or are of the value of $10 or more, the distrainor shall cause a copy of the notice to be published in a newspaper in the county or district once a week for three successive weeks. R.S.O. 1897, c. 272, s. 11.

Notice of sale.

**9**. If an animal is impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded it within forty-eight hours afterwards, but no pig or poultry shall be sold until after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same. R.S.O. 1897, c. 272, s. 12.

When sale may be made.

If animal is not impounded, but retained.

**10**. If the animal is not impounded, but is retained in the possession of the person distraining it, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is distrained. R.S.O. 1897, c. 272, s. 13.

Notice of sale unless redeemed.

**11**. The notices of sale shall be posted up for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law, if any, the amount of the injury, if any, claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees

and

and charges of the pound-keeper, and also of the fence-viewers, if any, and the expenses of the animal's keeping. R.S.O. 1897, c. 272, s. 14.

Keeper to feed impounded cattle.

**12**. Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined. R.S.O. 1897, c. 272, s. 15.

And may recover the value.

**13**.—(1) Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises. R.S.O. 1897, c. 272, s. 16.

In what manner such value may be recovered.

(2) Such value and allowance may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of pound-keepers' fees and charges established by the by-laws of the municipality. R.S.O. 1897, c. 272, s. 17.

Other mode of enforcing.

**14**. The pound-keeper, or person so entitled to proceed may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. R.S.O. 1897, c. 272, s. 18.

Sale, how effected, etc., and purchase money, how applied.

**15**. If it is proved by an affidavit sworn before a Justice of the Peace, that the proper notices had been duly posted and published, then if the owner or some one for him does not before the sale of the animal, replevy or redeem the same, the pound-keeper who impounded the animal, or if the person who distrained it did not deliver it to a pound-keeper, but retained it in his own possession, then any pound-keeper of the municipality may publicly sell the animal to the highest bidder, at the time and place mentioned in the notices, and after deducting the penalty and the damages, if any, and the fees and charges, shall apply the proceeds in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of

the

the damage when legally claimable, not exceeding $20, done by the animal to the property of the person by whom or at whose instance it was distrained, and shall return the surplus, if any, to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer of the municipality. R.S.O. 1897, c. 272, s. 19.

Disputes regarding demand for damages, how determined.

**16.**—(1) If the owner, within forty-eight hours after the delivery of the statements provided for in section 7, disputes the amount of damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper. R.S.O. 1897, c. 272, s. 20.

Fence-viewers to view and appraise damage.

(2) The fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, or if the animal was one not permitted to run at large by the by-laws of the municipality, they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement signed by at least two of them of their appraisement and of their lawful fees and charges. R.S.O. 1897, c. 272, s. 21. *Amended.*

Proceedings where fence-viewers decide against the legality of a fence.

(3) If in the case of an animal permitted to run at large, the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. R.S.O. 1897, c. 272, s. 22. *Amended.*

Liability of pound-keeper refusing to feed animal impounded

**17**. If a pound-keeper or person who impounds, or confines, or causes to be impounded, or confined any animal, refuses or neglects to provide and supply the animal with good and sufficient food, water and shelter, he shall, for every day during which he is so in default, incur a penalty of not more than $4 or less than $1. R.S.O. 1897, c. 272, s. 23. *Amended.*

Penalty for neglect of duty by fence-viewers.

**18**. Any fence-viewer neglecting his duty under this Act shall incur a penalty of $2. R.S.O. 1897, c. 272, s. 24.

Statement to be filed with clerk by pound-keeper or distrainor.

**19**. Every pound-keeper and every other person who under the provisions of section 13, distrains any animal, shall, on or before the 15th day of January in every year, file with the clerk of the municipality a statement for the year ending on the 31st day of December next preceding shewing:—

1. The number of animals impounded or distrained, as the case may be;
2. The number of animals sold and the amounts received;
3. The sum received as poundage fees and cost of keep by the pound-keeper or party distraining;
4. The damages paid by any party;
5. All disbursements and to whom paid;
6. Any other receipts and expenditures in connection therewith. R.S.O. 1897, c. 272, s. 27.

Certifying statement.

**20**. The statement shall be certified to by the pound-keeper or the person distraining as a true and accurate statement for the year ending on the 31st day of December next preceding. R.S.O. 1897, c. 272, s. 28.

Penalty for neglect to comply with Act.

**21**. Any pound-keeper or other person required to file such return, neglecting or refusing to file the same on or before the 15th day of January in any year, shall incur a penalty not exceeding $10. R.S.O. 1897, c. 272, s. 29.

Penalties, how recoverable. 10 Edw. VII., c. 37.

**22**.—(1) The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 272, s. 25. *Amended*.

How to be applied.

(2) One-half of every penalty recovered under this Act shall be paid to the treasurer of the local municipality in which the offence was committed, and one-half to the private prosecutor, but where the information is laid by an officer of the municipality, the whole of the penalty shall be payable to the treasurer. R.S.O. 1897, c. 272, s. 26. *Amended*.

Rev. Stat. c. 272, repealed.

**23**. Chapter 272 of the Revised Statutes of Ontario, 1897, is repealed.

CHAPTER

# CHAPTER 67.

## An Act respecting the Enrolment and Inspection of Stallions.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Ontario Stallion Act.*

**2.** For the purpose of this Act

Board of registration. How composed.

(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture shall appoint four persons who, with the Director of the Live Stock Branch of the Department of Agriculture, shall constitute The Stallion Enrolment Board, hereinafter called "The Board."

Director of Live Stock Branch to be Secretary.

(2) The Director of the Live Stock Branch of the Department of Agriculture shall be the Secretary and Executive Officer of the Board.

Inspectors.

**3.** The Minister of Agriculture may from time to time appoint competent persons to act as inspectors under the direction of the Board and every inspection shall be made by a committee hereinafter called "The Committee," consisting of three such persons.

Remuneration of Board and Committees.

**4.** The appointed members of the Board and the members of the Committees shall receive such per diem remuneration and allowance for necessary travelling expenses as may be fixed by the Lieutenant-Governor in Council out of monies voted by the Assembly.

Stallions not to be travelled until enrolled.

**5.**—(1) No person shall stand, travel or offer for use any stallion unless and until the name, description and pedigree of such stallion has been enrolled and a certificate of such enrolment procured as hereinafter provided.

(2)

Evidence for enrolment. Certificate.

(2) For the purposes of enrolment the owner of every stallion shall submit to the Board all evidence of the breeding and ownership of such stallion, and upon receipt of same and payment of the fee, the Board shall issue a certificate accordingly.

Renewal of certificates.

(3) All certificates of enrolment shall be renewed annually in accordance with the regulations and upon the payment of the fee hereinafter provided.

Inspection by desire of owner.

(4) In addition, if desired by the owner, any stallion may be inspected as herein provided, in which case the report of such inspection shall form a part of the record of enrolment.

Register of enrolment.

**6.**—(1) The Board shall keep a register for the enrolment of stallions, which register shall be kept in such form and shall contain such particulars as may be prescribed by the regulations, and the certificate issued shall be in accordance therewith.

Transfer of ownership.

(2) Every stallion shall be enrolled in the name of the owner at the time of the enrolment, and in case of a change of ownership the enrolment shall be deemed to be cancelled unless within thirty days thereafter evidence of the change of ownership satisfactory to the Board has been furnished to the Board, in which case a transfer certificate shall be issued by the Board.

Duration of enrolment and certificate.

(3) When a stallion has been enrolled after the first day of August in any year the enrolment and certificate of enrolment of the stallion shall remain in force until the 31st day of December in the next succeeding year, and when the enrolment has been made before the first day of August in any year the enrolment and certificate thereof shall remain in force until the 31st day of December next following.

Only one inspection after stallion is eight years old.

(4) When a stallion has reached the age of eight years the first inspection thereafter shall be the final inspection and the enrolment made on the report of such final inspection shall continue to form part of the enrolment and a certificate shall be granted in accordance therewith on each subsequent renewal of such enrolment.

Biennial inspection in other cases.

(5) In the case of any other stallion, the report of the Committee shall form a part of the record of the enrolment for two years only, except as provided in subsection 3, after which the said stallion shall be submitted for re-inspection if the owner desires an extension of such certificate.

**7.** The Board shall fix the times and places at which stallions may be inspected by the Committee, and shall give notice thereof in such manner as may be prescribed by the regulations. Inspection, notice of.

**8.** A person desiring to procure the inspection of a stallion shall present the stallion for inspection and examination by the Committee, together with such evidence relating to the breeding and ownership of the stallion as may be required by the regulations. Proceedings of inspection.

**9.** The Committee shall inspect the stallion and examine the other evidence submitted and report thereon in writing to the Board. Report on inspection.

**10.**—(1) The report of a majority of the Committee shall be a report of the Committee, but in case the report is not unanimous, and not otherwise, the owner of the stallion may apply to the Board for another inspection and examination, and upon the owner depositing with the Board an amount sufficient in the opinion of the Board to cover the expenses of a further inspection and examination, the Board shall direct another inspection by another Committee, and their decision or the decision of a majority of them shall be final. Report and re-inspection.

(2) In case the appeal is not sustained, the further inspection and examination shall be payable out of the amount of the deposit, and if the appeal is allowed the amount of the deposit shall be returned to the owner. Costs of re-inspection.

**11.** The Board upon consideration of the report of the Committee and after the inspection of the papers supplied relating to the breeding and ownership of the stallion, and upon payment of the fee fixed by this Act, shall make such enrolment of the name, description and pedigree of the stallion in the register herein provided for as may be deemed warranted and shall issue a certificate in accordance with such enrolment to the owner of the stallion. Enrolment, mode of.

**12.**—(1) The certificate of enrolment of any stallion shall form a prominent part of any newspaper or other printed advertisement issued to advertise such stallion. Certificate, publication of.

(2) Every poster issued shall contain a copy of the certificate of enrolment printed in bold face and conspicuous type and shall not contain any illustrations, pedigree or other matter which is untruthful or misleading. Posters, contents of.

(3) Where no posters are used to advertise a stallion, the owner of the stallion shall exhibit to the owner of each mare at Owner to exhibit certificate to owner of mare.

at the time of service, if demanded, the original enrolment certificate issued for such stallion.

Fees

**13.**—(1) The fees to be paid to the Board before the issue of any certificate shall be

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|---|---|
| For enrolment | $2.00 |
| For inspection | 5.00 |
| For renewal of enrolment | 1.00 |
| For transfer certificate | 1.00 |

Application of

(2) The fees received by the Board under this Act shall be paid over to the Treasurer of Ontario for the use of the Province.

Regulations.

**14.** The Board, subject to the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed proper and necessary for the better carrying out of the provisions of this Act.

Penalty.

**15.** Every person who is guilty of a contravention of any of the provisions of this Act shall incur a penalty of not more than $100 nor less than $25, recoverable under *The Ontario Summary Convictions Act.*

10 Edw. VII. c. 37.

Act not to apply to districts or to Haliburton.

**16.** This Act shall not apply to the Provisional Judicial Districts nor to the Provisional County of Haliburton.

Commencement of Act.

**17.** Section 5 of this Act shall not come into operation until the first day of August, 1912.

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CHAPTER

# CHAPTER 68.

## An Act to prevent the Spread of Noxious Weeds.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
DUTY OF OWNERS AND OCCUPANTS OF LAND, s. 3.
EXEMPTION OF WASTE OR UNOCCUPIED LAND, s. 4.
OPERATION OF ACT MAY BE EXTENDED, s. 5.
INSPECTOR:
Appointment, s. 6.
Duties, s. 7.
Expenses, s. 8.
DUTY OF OVERSEERS OF HIGHWAYS, s. 9.
PENALTIES, ss. 10-13.
For neglect to obey orders of inspector, s. 10.
For selling seed mixed with seed of weeds, s. 11.
For sowing grain infected by smut, s. 12.
For neglect of duties by inspector, s. 13.
RECOVERY AND APPLICATION OF PENALTIES, s. 14.
REPEAL, s. 15.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Noxious Weeds Act.* Short title.

**2.** In this Act, Interpretation.

(*a*) "Non-resident" land shall mean land which is unoccupied, and the owner of which is not resident within the municipality. "Non-resident land."

(*b*) "Resident land" shall mean land which is occupied or which is owned by a person resident within the municipality. R.S.O. 1897, c. 279, s. 1. "Resident land."

**3.** Every occupant of land, or, if the land is unoccupied, the owner shall cut down or destroy all the Canada thistles, ox-eye daisy, wild oats, rag-weed and burdock growing thereon, and all other noxious weeds growing thereon, to which this Act may be extended by by-law as hereinafter provided, Duty of owners and occupants as to destruction of weeds, etc.

so often in every year as is sufficient to prevent the ripening of their seed, if such cutting or destruction does not involve the destruction of the growing grain. R.S.O. 1897, c. 279, s. 2.

Exemption of waste or unoccupied lands

**4.**—(1) The council of any township in which there are any large tracts or blocks of waste or unoccupied land, may upon the petition of not less than thirty ratepayers, by by-law, suspend the operation of this Act, in respect of such waste or unoccupied lands.

By-law to define lands exempted.

Duration.

(2) The by-law shall define the tracts or blocks of land so exempted, and shall remain in force until repealed; and while it remains in force the land therein described shall be exempt from the operation of this Act. R.S.O. 1897, c. 279, s. 3 (3).

Operation of Act may be extended.

**5.** The council of any local municipality may, by by-law, extend the operation of this Act to any other description of weed, or to any diseased growing crops, which is by the by-law declared to be noxious to husbandry or gardening; and in that case the provisions of this Act shall apply to such noxious weeds and diseased growing crops as if the same were herein enumerated in section 3. R.S.O. 1897, c. 279, s. 3 (1).

Appointment of Inspector.

**6.**—(1) The council of any local municipality may and, upon a petition of fifty or more ratepayers, shall appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he is to receive for the performance of his duties; and if a vacancy occurs in the office, the council shall fill the same forthwith. R.S.O., 1897, c. 279, s. 3 (2).

Division of municipalities into sections and appointment of inspectors.

(2) The council may by a by-law divide the municipality into sections or divisions for the carrying out of this Act, and may appoint inspectors for such divisions whose duties and powers shall in all respects be the same as those of the township inspector. R.S.O., 1897, c. 278, s. 3.

Duty of Inspector.

**7.**—(1) The inspector shall give notice in writing to the owner or occupant of any land within the municipality whereon any of such noxious weeds or diseased crops are growing, requiring him to cause them to be cut down or destroyed within ten days from the service of the notice; and it shall be the duty of the inspector to give such notice for the first time not later than such dates in each year as may be fixed by by-law of the municipality.

Lands of railway company.

(2) In the case of a railway company the notice may be given to a station master of the company resident in the municipality, or if there is none resident in it to a station master resident in an adjoining or neighbouring local municipality.

*See s. 105 of "The Ontario Railway Act, 1906." 6 Edw. VII., c. 30, and s. 417 of "The Railway Act" of Canada, 3 Edw. VII., c. 37.*

Inspector's powers on default by owner or occupant.

(3) If such owner or occupant of land refuses or neglects to cut down or destroy all or any of such noxious weeds or diseased growing crops within the period mentioned in the notice, the inspector may enter upon the land and cause them to be cut down or destroyed, doing no unnecessary damage to other growing crops, or he may lay information before any justice of the peace complaining of such refusal or neglect, and such owner or occupant shall incur the penalties provided by section 10; but no inspector shall have power to cut down or destroy or to require the owner or occupant to cut down or destroy such noxious weeds or diseased growing crops on any land sown with grain not so diseased.

Non-resident land, notice not required.

(4) Where such noxious weeds are growing upon non-resident land it shall not be necessary to give any notice before proceeding to cut down or destroy them. R.S.O. 1897, c. 279, s. 4; 4 Edw. VII., c. 27, s. 1.

Account of inspector's expenses and payment thereof.

8.—(1) The inspector shall keep an account of the expense incurred by him in carrying out the provisions of this Act with respect to each parcel of land entered upon, and shall deliver a statement of such expenses, describing the land entered upon, and verified by oath, to the owner or occupant of resident land with a notice requiring him to pay the amount.

(*a*) In the case of a railway company the statement and notice may be served in the manner provided by subsection 2 of section 7.

Appeal to council against excessive charge.

(2) If the owner or occupant deems such expense excessive, he may appeal to the council, within thirty days after the delivery of such statement, and the council shall determine the matter in dispute.

Proceedings in case of default in payment.

(3) If the owner or occupant refuses or neglects to pay the same within thirty days after such request for payment, the claim shall be presented to the council and the council shall audit it and allow it or so much of it as it may deem just, and order the same to be paid from the general funds of the corporation. R.S.O. 1897, c. 279, s. 5.

Provisions as to expenses in case of non-resident land.

(4) The inspector shall also present to the council a similar statement, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident land; and the council shall audit and allow the same, or so much of it as may be deemed just, and shall pay so much of it as has been so allowed. R.S.O. 1897, c. 279, s. 6.

(5)

Collection of sums paid for expenses by municipality.

(5) The council shall cause all such sums as have been so allowed and paid, to be placed upon the collector's roll of the municipality against the land described in the statement of the inspector, to be collected in the same manner as other taxes. R.S.O., 1897, c. 279, s. 7.

Duties of overseers of highways as to noxious weeds.

**9.**—(1) Overseers of highways, or other municipal officers charged with the care of highways shall see that all noxious weeds growing upon the highways in their respective divisions are cut down or destroyed at the proper times to prevent the ripening of their seed, and the work shall be performed as part of the ordinary statute labour or be paid for at a reasonable rate by the treasurer of the municipality, as the council of the municipality may direct. 8 Edw. VII., c. 62, s. 1.

In unorganized townships.

(2) In unorganized townships where road commissioners have been appointed, every owner or occupant shall cut down and destroy, at the proper time to prevent the ripening of their seed, all such noxious weeds growing on any highway adjoining such land, from the boundary of such land to the centre line of the highway, and in case of default after notice from the road commissioners requiring such work to be done on or before a day named in the notice, such owner or occupant shall

Penalty.

incur a penalty of $5 for each lot or parcel in respect of which default is made, and the penalty when recovered shall be paid to the road commissioners and be expended in improving the roads in such township.

Road commissioners may do the work and recover expenses.

(3) Where such default occurs the road commissioners may perform the work in place of such owner or occupant, and the cost thereof at the rate of $2 for each day's labour involved shall be recoverable as a debt due by such owner or occupant to the road commissioners in any court of competent jurisdiction. 4 Edw. VII., c. 27, s. 2.

Penalty for neglect to obey inspector's orders.

**10.** Any owner or occupant of land who contravenes any of the provisions of this Act or who refuses or neglects to obey any lawful order of the inspector given under this Act, shall incur a penalty of not less than $5 nor more than $20 for every such offence. R.S.O., 1897, c. 279, s. 9 (1), *amended.*

Penalty for selling seed mixed with seeds of weeds.

**11.** Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of Canada thistles, ox-eye daisy, wild oats, ragweed, burdock or wild mustard shall, for every such offence incur a penalty of not less than $5 nor more than $20. R.S.O. 1897, c. 179, s. 9 (2).

**12**. Any person who sows any wheat or other grain knowing it to be infected by the disease known as smut without first using some proper and available remedy to destroy the germs of such disease shall incur a penalty of not less than $5 nor more than $20. R.S.O., 1897, c. 279, s. 9 (4). Penalty for sowing grain infected by smut.

**13**. Every inspector, overseer of highways, or other officer who refuses or neglects to discharge the duties imposed on him by this Act shall incur a penalty of not less than $10 nor more than $20. R.S.O., 1897, c. 279, s. 9 (3). Penalty for neglect of duties by inspector, etc.

**14**. The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act,* and except as provided by subsection 2 of section 9, shall when recovered be paid over to the treasurer of the municipality in which the offence is committed. R.S.O., 1897, c. 279, s. 10. Recovery and application of penalties. 10 Edw. VII., c. 37.

**15**. Chapter 279 of the Revised Statutes of Ontario 1897, chapter 27 of the Acts passed in the 4th year, and chapter 62 of the Acts passed in the 8th year, of the reign of His late Majesty King Edward the Seventh, are repealed. Rev. Stat. c. 279; 4 Edw. VII. c. 27; 8 Edw. VII. c. 62, repealed.

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CHAPTER

# CHAPTER 69.

## An Act to Prevent the Spread of Insect and Fungus Diseases Injurious to Vegetation.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
INSPECTORS, s. 3.
PROHIBITION OF IMPORTATION OF DISEASED PLANTS, s. 4.
KEEPING DISEASED PLANTS, s. 5.
DESTRUCTION OF DISEASED PLANTS, s. 6.
MUNICIPAL INSPECTORS, s. 7.
NOTICE OF REPORT TO OWNER, ETC., s. 8.
MUNICIPAL INSPECTOR TO BE SUBJECT TO REGULATIONS OF PROVINCIAL INSPECTOR, s. 9.
REMUNERATION, s. 10.
FUMIGATION, s. 11.
Prohibition of sale pending, s. 12.
Removal pending, s. 13.
Exception for scientific purposes, s. 14.
OWNER TO NOTIFY MINISTER, s. 15.
EXAMINATION AND DESTRUCTION, s. 16.
FREE ACCESS TO INSPECTORS, s. 17.
PENALTY, s. 18.
INCLUDING OTHER DISEASES, s. 19.
REGULATIONS, s. 20.
REPEAL, s. 21.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Fruit Pest Act.* 10 Edw. VII., c. 99, s. 1.

Interpretation.

**2.** In this Act

"Disease."

(*a*) "Disease" shall mean the following insects and diseases in any stage of development, Codling Moth, San Jose Scale, Yellows, Little Peach, Black Knot, Pear Psylla, and Pear Blight, and any other insects and disease to which the provisions of this Act may be extended under section 14.

"Minister."

(*b*) "Minister" shall mean the Minister of Agriculture for the Province of Ontario.

"Plant."

(*c*) "Plant" shall mean any tree, vine, shrub or plant. 10 Edw. VII., c. 99, s. 2. *Amended.*

Inspectors.

**3.** On the recommendation of the Minister, the Lieutenant-Governor in Council may appoint one or more competent persons to act as inspectors, whose duties shall be to enforce the provisions of this Act. 10 Edw. VII., c. 99, s. 3.

Importing diseased plants prohibited.

**4.**—(1) No person shall import or bring, or cause to be imported or brought into Ontario, for any purpose whatsoever, any diseased plant or fruit, or sell or dispose of, or offer for sale any fruit infested with San Jose Scale, Yellows or Little Peach.

Examination of suspected fruit.

(2) Wherever such diseased fruit exists or is believed by the Provincial Inspector to exist he may make an examination and inspection and may order any fruit so infested, or such part as he may deem advisable, to be destroyed. 10 Edw. VII., c. 99, s. 4; 1 Geo. V., c. 17, s. 60.

Keeping diseased plants.

**5.** No person shall keep or have, or offer for exchange or sale any diseased plant. 10 Edw. VII., c. 99, s. 5. *Part.*

Destruction of diseased plants.

**6.** Every person owning, leasing or managing any orchard or collection of plants, other than a nursery, shall, when any plant therein becomes diseased and forthwith on becoming aware of such disease, destroy such plant by fire or effectually treat the disease by fumigation or spraying with such material as may be prescribed by the Minister. 10 Edw. VII., c. 99, s. 5 (*a*).

Appointment of inspectors by municipality.

**7.**—(1) The council of any local municipality may, and upon the petition of twenty-five or more fruit growers who are ratepayers, shall, by by-law, appoint at least one inspector to enforce the provisions of this Act in the municipality and fix the amount of remuneration, fees or charges he shall receive for the performance of his duties.

Approval of Minister.

(2) All such appointments, remuneration, fees or charges shall be subject to, and be only operative on the written approval of the Minister, communicated by him to the clerk of the municipality.

Duration of by-law.

(3) The by-law shall not take effect unless and until approved by the Minister and shall remain in force only for the calendar year in which it is passed.

Transmitting copy to Minister.

(4) The clerk of the municipality shall transmit a certified copy of every such by-law to the Minister of Agriculture before the first day of March after the passing thereof. 10 Edw. VII., c. 99, s. 5 (*b*); 1 Geo. V., c. 17, s. 61. *Amended.*

Notice to owner or occupant.

**8**. Upon the report of the municipal inspector to the Provincial Inspector that there is disease upon the plants on any lot within the municipality, the provincial inspector shall direct the municipal inspector to give notice personally by the inspector or by registered letter to the owner or occupant of the lot to have the plants forthwith sprayed, or to have them destroyed by burning as may be determined by the provincial inspector, and if this is not done within ten days after the notice has been given, the inspector may cause such spraying or destruction by burning to be done, and he shall report to the clerk what has been done, and the cost of the work, and such cost shall be charged on the lot and be collected as a special tax in addition to the other taxes imposed by the municipal council on the lot. 10 Edw. VII., c. 99, s. 5 (*c*); 1 Geo. V., c. 17, s. 62.

Inspectors to obey regulations.

**9**. Every inspector appointed by a municipal council shall be subject to and observe the regulations and directions of the Minister, and shall be subject and subordinate to the provincial inspector appointed by the Minister, and in case of any neglect of duty shall be subject to the penalties prescribed by this Act. 10 Edw. VII., c. 99, s. 5 (*d*).

Remuneration of municipal inspectors.

**10**. The council shall pay the remuneration, fees or charges of the municipal inspector and shall be entitled to receive from the Department of Agriculture one-half of the amount so paid upon furnishing the Department with a statement of the sums so paid, certified to by the provincial inspector, provided that such statement is submitted to the Minister on or before the fifteenth day of December of the year to which it applies. 10 Edw. VII., c. 99, s. 5 (*e*).

Nurseryman to fumigate plants.

**11**. The proprietor or manager of any nursery shall not send out or permit any plant to be removed from his nursery until the same has been fumigated by hydrocyanic acid gas in accordance with the regulations prescribed by Order of the Lieutenant-Governor in Council. 10 Edw. VII., c. 99, s. 6.

Plants not to be sold until fumigated.

**12**. No person shall sell or dispose of or offer for sale any plant obtained, taken or sent out from a nursery unless the same has been previously fumigated by hydrocyanic acid gas in accordance with the above regulations. 10 Edw. VII., c. 99, s. 7.

Plants not to be removed from nursery where disease exists.

**13**. If an inspector finds disease in any nursery and so reports to the Minister, the Minister may thereupon inform in writing the proprietor or manager of the nursery in writing of the existence of the disease, and the proprietor or manager shall not thereafter permit any plant to be removed

until

until he is notified in writing by the Minister that the inspector has reported to the Minister that it is safe in the public interest to permit such removal after fumigation. 10 Edw. VII. c. 99, s. 8.

Exception for scientific purposes.

**14.** For the purpose of scientific investigation the Minister may, from time to time, by writing given under his hand, except such persons as he may deem proper from the operation of sections 11 and 13, and while acting under such permission such persons shall not be subject to the penalties imposed by this Act. 10 Edw. VII., c. 99, s. 9.

Owner of diseased plant to notify the Minister.

**15.** Any person having reason to suspect that any plant in his possession or in his charge or keeping is diseased shall forthwith communicate with the Minister in regard to the same, and shall furnish the Minister with all such information in regard to the source or origin of the said infestation and the nature of the same as he may be able to give. 10 Edw. VII., c. 99, s. 10.

Examination of diseased plants and destruction by burning.

**16.**—(1) When disease exists or is supposed to exist on any plant, the Minister may direct a competent person to make an examination and inspection, and may order that any plant so infested, or any such part as he may deem advisable, shall be immediately destroyed by burning, either by the person appointed to make the inspection or by the person owning or having possession of the plant, or some other person so directed in writing, and the person so directed shall report to the Minister in writing the nature and extent of the work so performed, together with a fair estimate of the value of the plants destroyed.

Where disease found in several parts of orchard or collection.

(2) If, in a nursery, orchard or collection of plants, the inspector finds disease on plants located in several different parts of the nursery, orchard or collection, and decides that it is advisable in the public interest to destroy all the plants in such nursery, orchard or collection, or in any part thereof, and so reports to the Minister, the Minister may direct that an examination or inspection shall be made by an additional inspector, and upon the advice in writing of both inspectors he may direct that all the plants in such nursery, orchard or collection, or in such part or parts thereof shall be destroyed without requiring that every plant therein shall be first examined. 10 Edw. VII. c. 99, s. 11.

Free access for inspectors, etc.

**17.** Any inspector or other person acting under the authority of this Act shall, upon producing his authority in writing, have free access to any nursery, orchard, storeroom, or other place where it is known or suspected that any plant is kept. 10 Edw. VII., c. 99, s. 12.

Penalty.

**18.** Any person neglecting to carry out the provisions of this Act, or any person offering any hindrance to the carrying out of this Act shall incur a penalty of not less than $10 nor more than $100, recoverable under *The Ontario Summary Convictions Act.* 10 Edw. VII., c. 99, s. 13.

10 Edw. VII., c. 37.

Including other diseases.

**19.** The Lieutenant-Governor in Council may, by Order, direct that other insects and diseases than those mentioned may be included in the provisions of this Act, and thereafter during the continuance of such Order-in-Council, the word "disease" in this Act shall include all such other insects and diseases. Public notice of such Order-in-Council shall be given by publication in two successive issues of the *Ontario Gazette.* 10 Edw. VII. c. 99, s. 14.

Regulations.

**20.** The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the better carrying out the provisions of this Act. *New.*

10 Edw. VII., c. 99; 1 Geo. V., c. 37, ss. 60-62, repealed.

**21.** *The Fruit Pests Act,* passed in the 10th year of the reign of His late Majesty, King Edward the Seventh, and sections 60, 61, and 62 of *The Statute Law Amendment Act, 1911,* are repealed.

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CHAPTER

# CHAPTER 70.

## An Act respecting the Barberry Shrub.

*Assented to 16th April, 1912.*

SHORT TITLE, s. 1.
INTERPRETATION, "BARBERRY SHRUB," s. 2.
PLANTING, PENALTY FOR, s. 3.
PULLING UP SHRUB ALREADY PLANTED ON FARM LANDS, s. 4.
COMPENSATION THEREFOR, s. 5.
DESTROYING SHRUB ALREADY PLANTED IN CITIES, s. 6 (1).
Compensation therefor, s. 6 (2).
REPEAL, s 7.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Barberry Shrub Act.*

"Barberry," meaning of.

**2.** In this Act "Barberry" shall mean the species *Berberis Vulgaris L.* 2 Edw VII. c. 38, s. 6.

Penalty for planting shrub.

10 Edw. VII., c. 37.

**3.** Every person who plants, cultivates or sells the shrub known as the barberry shrub shall incur a penalty not exceeding $10, to be recoverable under *The Ontario Summary Convictions Act.* 2 Edw. VII. c. 38, s. 1.

Shrub where already planted on farm lands to be pulled up.

**4.** The council of any municipality may order the owner or occupant of any land on which any hedge or fence formed by such shrub or any plant of such shrub is growing to remove and destroy the same, and upon his neglect or refusal so to do within one month after the service of notice in writing requiring such removal and destruction, the council may cause the same to be removed and destroyed, and in such case he shall not be entitled to compensation for such removal and destruction. 2 Edw. VII. c. 38, s. 3.

Compensation for destruction.

**5.**—(1) If within thirty days after receiving the notice, the owner or occupant removes and destroys such shrub, he shall be entitled to compensation for the value of the plant and the cost of removal.

Fixing amount.

(2) In default of agreement, the amount of such compensation shall be determined in writing by the fence viewers of the municipality, and the amount agreed upon or awarded shall be paid to the owner or occupant by the treasurer of the municipality. 63 V. c. 48, s. 3.

Such already planted in cities, etc., to be destroyed.

**6.**—(1) Where any person has planted or has growing upon land owned or occupied by him and situate within any city, town, or incorporated village any hedge or fence formed by such shrub or any plants of such shrub, the Minister of Agriculture may, upon petition signed by at least three owners or occupants of lands in an adjoining township, and after the report of one or more qualified persons appointed by the Minister for such purpose, require the owner or occupant to remove and destroy such hedges, fences or plant, and upon his neglect or refusal to do so within one month after the service of notice in writing requiring such removal and destruction, the Minister may cause the same to be removed and destroyed. 2 Edw. VII. c. 38, s 3.

Compensation.

(2) Where such owner or occupant removes and destroys such hedge, fence or plant as required by the Minister, and such hedge, fence or plant was planted before the 30th day of April, 1900, he shall be entitled to such compensation as the Minister sees fit to allow, to be paid out of the Consolidated Revenue Fund. 2 Edw. VII. c. 38, s. 3.

63 V. c. 48; 2 Edw. VII. c. 38, repealed.

**7.** The Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 48, and the Act passed in the 2nd year of the reign of His late Majesty King Edward the Seventh, chaptered 38, are repealed.

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CHAPTER

# CHAPTER 71.

## An Act to prevent the Extermination of the Plant called Ginseng.

*Assented to 16th April, 1912.*

SHORT TITLE, s. 1.
GINSENG, DESTRUCTION OF, s. 2.
Purchase of, with knowledge of illegal gathering, s. 3.
PENALTY, s. 4.
EVIDENCE OF PURCHASE, s. 5.
EVIDENCE OF ILLEGAL GATHERING, s. 6.
REPEAL, s. 7.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Ginseng Act.* Short title.

**2.** Except for the purpose of clearing or bringing land into cultivation, no person shall, between the first day of January and the first day of September in any year, cut, root up, gather or destroy the plant known by the name of ginseng, growing in a wild or uncultivated state. R.S.O. 1897, c. 281, s. 1. Destruction of ginseng prohibited.

**3.** No person shall purchase ginseng knowing the same to have been cut, rooted up, or gathered between the first day of January and the first day of September. R.S.O. 1897, c. 281, s. 2. Purchasing with knowledge of illegal gathering.

**4.**—(1) Any person who contravenes the provisions of this Act shall incur a penalty of not less than $5 and not more than $20, to be recovered under *The Ontario Summary Convictions Act.* Penalty for contravention of Act. 10 Edw. VII., c. 37.

(2) One-half of such penalty shall be paid to the prosecutor, unless otherwise ordered by the convicting Justice. R.S.O. 1897, c. 281, s. 3. Application of penalty

Proof of purchase or sale to be prima facie evidence

**5.** Evidence of the purchase or sale of ginseng between the first day of January and the first day of September shall be *prima facie* proof of a contravention of this Act. R.S.O. 1897, c. 281, s. 4.

Proof of illegal gathering to be prima facie evidence against purchaser

**6.** In any prosecution for a contravention of section 3, evidence that the ginseng purchased has been illegally obtained by the vendor shall be *prima facie* proof of a contravention of this Act by the purchaser. R.S.O. 1897, c. 281, s. 5.

Repeal.

**7.** Chapter 281 of the Revised Statutes of Ontario, 1897, is repealed.

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# CHAPTER 72.

## An Act for the Protection of Bees.

*Assented to 16th April, 1912.*

SHORT TITLE, s. 1.
SPRAYING FRUIT TREES WITH POISONOUS MIXTURE, s. 2.
PENALTY FOR, s. 3.
REPEAL, s. 4.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** This Act may be cited as *The Bee Protection Act.* Short title.

**2.** No person in spraying or sprinkling fruit trees during the period within which such trees are in full bloom shall use any mixture containing Paris green or any other poisonous substance injurious to bees. R.S.O. 1897, c. 282, s. 1. Use of poison in spraying fruit trees in bloom prohibited.

**3.** Any person contravening the provisions of this Act shall incur a penalty of not less than $1 and not more than $5, recoverable under *The Ontario Summary Convictions Act.* R.S.O. 1897, c. 282, s. 2. Penalties. 10 Edw. VII., c. 37.

**4.** Chapter 282 of the Revised Statutes of Ontario, 1897, is repealed. Repeal.

CHAPTER

# CHAPTER 73.

## An Act for the Suppression of Foul Brood among Bees.

*Assented to 16th April, 1912.*

SHORT TITLE, S. 1.
INSPECTOR OF APIARIES, S. 2.
DUTIES OF INSPECTOR, SS. 3, 4, 8.
PENALTIES, SS. 5-7.
For disposing of infected stock or appliances, s. 5.
For selling stock or appliances after treatment, without authority, s. 6.
For obstructing inspector, s. 7.
SPECIAL CONSTABLES TO AID INSPECTOR, S. 8.
INFORMING OFFENDER OF PROVISIONS OF ACT, S. 9.
NOTIFYING MINISTER, S. 10.
INSPECTOR TO REPORT TO MINISTER, S. 11.
REPEAL, S. 12.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be known as *The Foul Brood Act.* 6 Edw. VII. c. 51, s. 1.

Appointment of inspector of apiaries.

**2.**—(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may from time to time appoint one or more Inspectors of Apiaries to enforce this Act.

Producing certificate of appointment.

(2) The Inspector shall, if so required, produce the certificate of his appointment on entering upon any premises in the discharge of his duties.

Remuneration.

(3) The remuneration to be paid to an Inspector under this Act shall be determined by order of the Lieutenant-Governor in Council, and shall be payable out of any sum appropriated by the Legislature for the enforcement of this Act. 6 Edw. VII. c. 51, s. 2.

Duties of inspectors.

**3.**—(1) The Inspector shall, whenever so directed by the Minister, visit any locality in Ontario and examine any apiary to which the Minister directs him, for the purpose of ascertaining if the disease known as "foul brood" exists in such apiary.

(2)

Destruction of affected colonies where disease malignant.

(2) If the Inspector finds that foul brood exists in a virulent or malignant type, he shall order all colonies of bees so affected, together with the hives occupied by them, and the contents of such hives and all tainted appurtenances that cannot be disinfected to be immediately destroyed by fire under his personal direction and superintendence.

Treatment, where disease mild.

(3) Where the Inspector, who shall be the sole judge thereof, finds that the disease exists, but only in a milder type and in its incipient stage, and is being or may be treated successfully, and the Inspector has reason to believe that it may be entirely cured, then he may omit to destroy or order the destruction of such colonies and hives. 6 Edw. VII. c. 51, s. 3.

Box-hives.

**4.** The Inspector may order the owner or possessor of any bees dwelling in box or immovable frame hives to transfer them to movable frame hives within a specified time, and in default the Inspector may destroy, or order the destruction of such hives and the bees dwelling therein. 10 Edw. VII. c. 26, s. 27.

Penalty for disposing of infected bees or appliances.

**5.** Any owner or possessor of diseased colonies of bees, or of any infected appliances for bee-keeping, who knowingly sells or barters or gives away such diseased colonies or infected appliances shall incur a penalty of not less than $50 or more than $100, or he may be imprisoned for any term not exceeding two months. 6 Edw. VII. c. 51, s. 5.

Selling infected bees after treatment or exposing appliances.

**6.** Any person whose bees have been destroyed or treated for foul brood, who sells or offers for sale any bees, hives or appurtenances of any kind, after such destruction or treatment, and before being authorized by the Inspector so to do or who exposes in his bee-yard, or elsewhere, any infected comb honey, or other infected thing, or conceals the fact that said disease exists among his bees, shall incur a penalty of not less than $20 and not more than $50, or he may be imprisoned for a term not exceeding two months. 6 Edw. VII. c. 51, s. 6.

Penalty for obstructing inspector.

**7.** Any owner or possessor of bees who refuses to allow the Inspector to freely examine bees, or the premises in which they are kept, or who refuses to destroy the infected bees and appurtenances, or to permit them to be destroyed when so directed by the Inspector, shall, on the complaint of the Inspector, incur a penalty of not less than $25 and not more than $50 for the first offence, and not less than $50 and not more than $100 for the second and any subsequent offence,

and

and the convicting Justice shall by the conviction order the said owner or possessor forthwith to carry out the directions of the Inspector. 6 Edw. VII. c. 51, s. 7.

Special constables may be sworn in to assist Inspector.

**8**. Where such owner or possessor of bees disobeys the directions of the said Inspector, or offers resistance to or obstructs him, a Justice of the Peace may, upon the complaint of the Inspector, cause a sufficient number of special constables to be sworn in, who shall, under the directions of the Inspector, proceed to the premises of such owner or possessor and assist the Inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the Inspector or constables may arrest the owner or possessor and bring him before a Justice of the Peace to be dealt with according to the provisions of the preceding section. 6 Edw. VII. c. 51, s. 8.

Inspector to inform offender of provisions of Act.

**9**. Before proceeding against any person before a Justice of the Peace, the Inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to him. 6 Edw. VII. c. 51, s. 9.

Persons aware of disease to notify Minister.

**10**. Every owner or possessor of bees and any other person who is aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the Minister of the existence of such disease and in default of so doing shall incur a penalty of $5. 6 Edw. VII. c. 51, s. 10.

Inspectors to report to Minister.

**11**. Each Inspector shall report to the Minister as to the inspection of any apiary in such form and manner as the Minister may direct, and all reports shall be filed in the Department of Agriculture, and shall be made public as the Minister may direct or upon order of the Assembly. 6 Edw. VII. c. 51, s. 11.

Application of 10 Edw. VII. c. 37.

**12**. *The Ontario Summary Convictions Act* shall apply to all prosecutions for offences against this Act.

6 Edw. VII., c. 51; 10 Edw. VII. c. 26, s. 27, repealed.

**13**. The Act passed in the 6th year of the reign of His late Majesty King Edward the Seventh, chaptered 51, and section 27 of the Act passed in the 10th year of the said reign, chaptered 26, are repealed.

CHAPTER

# CHAPTER 74.

## An Act respecting Ditches and Watercourses.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
CERTAIN ACTS NOT AFFECTED, s. 2.
INTERPRETATION, s. 3.
APPLICATION OF ACT TO LANDS FOR MINING OR MANUFACTURING PURPOSES, s. 4.
APPOINTMENT OF ENGINEER, s. 5.
LIMIT OF WORK AND COST, s. 6.
LIMIT OF AREA TO BE ASSESSED, s. 7.
NOTICE TO OTHER OWNERS AFFECTED, s. 8.
WHERE AGREEMENT COME TO BY OWNERS, ss. 9-12.
Form of, filing, etc., s. 9.
Informalities not to invalidate, s. 10.
Adjourning meeting to add parties, s. 11.
Reeve to sign for municipality, s. 12.
WHERE NO AGREEMENT ARRIVED AT ss. 13-17.
Appointment by engineer, requisition for, s. 13.
Notice to engineer, and of appointment made, s. 14.
Mode of serving notices, s. 15 (1).
Occupant to notify owner, s. 15 (2).
Examination by engineer, s. 16.
Rock cutting or blasting, s. 17.
POWERS OF ENGINEER AS TO OPENING DITCH ACROSS LAND OF PERSON NOT BENEFITED, s. 18.
AWARD BY ENGINEER, ss. 19-25.
Filing notice to persons affected, s. 19.
Powers of engineer of municipality in which proceedings commenced, s. 20.
Appeal from award of County Judge, s. 21.
Powers of Judge on appeal, ss. 22, 24.
When award to be binding, s. 23.
Evidence in appeal proceedings, s. 25.
COSTS, PAYMENT OF, BY MUNICIPALITY, s. 26 (1).
Charge of same on land of owners, s. 26 (2).
Where lands are in more than one municipality, s. 26 (3).
LETTING ROCK CUTTING OR BLASTING BY TENDER, s. 27.
ON NON-COMPLIANCE WITH AWARD.
Letting work s. 28 (1).
Extension of time for compliance, s. 28 (2).
Liability of person in default, s. 28 (3).
Power to re-let s. 28 (4).
Certificate of engineer on completion of work let, s. 29.
OWNERS USING DITCH AFTER CONSTRUCTION, s. 30.
DEEPENING, WIDENING OR COVERING DITCH, s. 31.
MAINTENANCE OF DITCHES, s. 32.
Enforcing, s. 33.
PROCEEDINGS FOR DEEPENING, ETC., BY OWNER OR PERSON INTERESTED, s. 34.
RECONSIDERATION OF AGREEMENT OR AWARD, s. 35.
PENALTY FOR ENGINEER FAILING TO INSPECT, s. 36.
MANDAMUS PROCEEDINGS NOT TO LIE, s. 37.
FORMS, s. 38.
REPEAL, s. 39.
COMMENCEMENT OF ACT, s. 40.


HIS

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title

**1.** This Act may be cited as *The Ditches and Watercourses Act*. R.S.O. 1897, c. 285, s. 1.

Certain Acts not affected.

**2.** This Act shall not affect the Acts relating to municipal or government drainage work. R.S.O. 1897, c. 285, s. 2.

Interpretation.

**3.** In this Act,

"Clear days."

(*a*) "Clear days" shall mean exclusive of the first and last days of any number of days prescribed.

"County."

(*b*) "County" shall include District.

"County Court."

(*c*) "County Court" shall include District Court.

"Construction."

(*d*) "Construction" shall mean the original opening or making of a ditch by artificial means.

"Ditch."

(*e*) "Ditch" shall mean and include a drain opened or covered wholly or in part, and whether or not in the channel of a natural stream, creek or watercourse, and also the work and material necessary for bridges, culverts, catch-basins, and guards.

"Engineer."

(*f*) "Engineer" shall mean the person appointed by a municipal council as engineer to carry out the provisions of this Act.

"Judge."

(*g*) "Judge" shall mean the senior, junior, or acting Judge of the County Court of the county in which the lands in respect of which the proceedings under this Act are taken, are situate.

"Maintenance."

(*h*) "Maintenance" shall mean and include the preservation of a ditch and keeping it in repair.

"Non-resident."

(*i*) "Non-resident" shall mean a person who does not reside within the municipality in which his land, affected by proceedings under this Act, is situate.

"Owner" meaning of

(*j*) "Owner" or "owners" shall mean and include the owner or possessor of any real or substantial interest in land, whether held in fee simple, fee tail, for one or more life or lives or for a term of years not less than ten, a lessee for a term of not

less

less than five years with an option to purchase, the personal representative of a deceased owner, the committee of a lunatic owner, the guardian of an infant owner, any person entitled to sell and convey the land, an agent under a general power of attorney authorizing the appointee to manage and lease the land, and a municipal corporation as regards any highways or other lands under its jurisdiction. R.S.O. 1897, c. 285, s. 3; 62 V. (2), c. 28, s. 1. *Amended.*

Application to drainage of lands for mining or manufacturing purposes

**4.**—(1) This Act shall apply to the drainage, amongst other lands, of lands for mining or manufacturing purposes, so as to enable the owner thereof to take proceedings thereunder; but in such case the engineer, in default of agreement, shall determine whether the lands of other owners through which the ditch may pass shall be called upon to contribute to the construction of the ditch, and whether and to what extent such lands may require drainage or will be benefited thereby.

Where lands of other owners affected.

(2) Where the engineer finds that the lands of such other owners do not require drainage, and that the ditch will not substantially benefit such lands, he shall determine what compensation the owner of the lands used for mining or manufacturing purposes shall make for any injury caused to such other owners by reason of the ditch passing through their lands; but if such lands will be substantially benefited by such drainage, he shall determine the extent of such benefit, and shall deduct the same from the amount of compensation so to be made, or shall take the proceedings provided for by subsection 3 of section 16, as the case may require. 62 V. (2), c. 28, s. 2.

Appointment of engineer.

**5.**—(1) The council of every local municipality shall by by-law, Form 1, appoint a civil engineer, Ontario land surveyor or other competent person to be the engineer to carry out the provisions of this Act, and he shall be and continue an officer of the corporation until another engineer is appointed in his stead, who may continue any work already undertaken.

Fees of clerk and engineer.

(2) The council shall also, by by-law, provide for the payment to the clerk of the municipality of a reasonable remuneration for services performed by him in carrying out the provisions of this Act, and shall also by by-law fix the charges to be made by the engineer for services performed by him under this Act.

Oath of engineer

(3) Every engineer before entering upon his duties shall take and subscribe the following oath, and shall file the same with the clerk of the municipality:

In the matter of *The Ditches and Watercourses Act.*

I (*name in full*) of the of in the county (*or* district) of , engineer (*or* surveyor *or as the case may be*) make oath and say, (*or* do solemnly declare and affirm), that I will to the best of my skill, knowledge, judgment and ability, honestly and faithfuly and without fear of, favour to, or prejudice against, any owner or owners perform the duties from time to time assigned to me in connection with any work under *The Ditches and Watercourses Act*, and make a true and just award thereon.
Sworn (*or* affirmed)
before me at of
in the of this
day of 19

A Commissioner, etc., (*or* Township Clerk, *or* J.P.)

R.S.O. 1897, c. 285, s. 4.

Limit of work.

**6.**—(1) Every ditch constructed under this Act shall be continued to a sufficient outlet, but shall not pass through or into more than seven original township lots, exclusive of any part of the ditch on or across a road allowance, unless the council of any municipality, upon the petition of a majority of the owners of all the land to be affected by the ditch, passes a resolution authorizing the extension thereof through or into any other lots within such municipality, or any adjoining municipality, and upon the passing of such resolution the proposed ditch may, subject to subsection 2, be extended in pursuance of such resolution. R.S.O. 1897, c. 285, s. 5 (1).

Limit of cost.

(2) No ditch, the whole cost of which, according to the estimate of the engineer or the agreement of the parties, will exceed $1,500, shall be constructed under the provisions of this Act. R.S.O. 1897, c. 285, s. 5 (2); 10 Edw. VII. c. 100, s. 1.

Limit of area to be assessed.

**7.** The land, the owners of which may be made liable for the construction of a ditch under this Act, shall be that lying within one hundred and fifty rods from the sides and point of commencement of the ditch, but land through or into which the ditch does not pass and which also adjoins any road allowance traversed by the ditch shall not be liable, except when directly benefited, and then only for the direct benefit. 8 Edw. VII. c. 64, s. 1.

Notice to other owners affected.

**8.**—(1) The owner of land who requires the construction of a ditch thereon, before filing with the clerk of the municipality the requisition provided for by section 13, shall serve upon the owners or occupants of the other land to be affected a notice in writing, Form 2, signed by him, and naming a day

day and hour and also a place convenient to the site of the ditch, at which all the owners are to meet and estimate the cost of the ditch, and agree, if possible, upon the apportionment of the work, and supply of material for construction, among the several owners, according to their respective interests therein, and settle the proportions in which the ditch shall be maintained.

Service of notice.

(2) The notices shall be served not less than twelve clear days before the time named therein for meeting. R.S.O. 1897, c. 285, s. 8.

Application to set aside proceedings where requisitioner is not owner.

(3) The owner or occupant of any land to be affected who has been served with the notice mentioned in subsection 1 may within five clear days after service of the notice upon him apply to the Judge to set aside the proceedings on the ground that the person who commenced them is not an owner within the meaning of this Act. *New.*

Presumption of ownership when conclusive.

(4) If such application is not made or, if made, is unsuccessful, the right of the person who commenced the proceedings to do so shall not thereafter be open to question, but shall be conclusively presumed. *New.*

Form of agreement, filing.

**9.** If an agreement is arrived at by the owners, it shall be reduced to writing, Form 3, and signed by all the owners, and shall within six days after the signing thereof be filed with the clerk of the municipality in which the land, the owner of which requires the ditch, is situate; but if the lands affected lie in two or more municipalities the agreement shall be in as many parts as there are municipalities, and one part shall be filed with the clerk of each municipality, and the agreement may be enforced in the same manner as an award of the engineer as hereinafter provided. R.S.O. 1897, c. 285, s. 9 (1).

Informalities not to invalidate proceedings.

**10.** Want of strict compliance with the provisions of sections 8 and 9 shall not avoid any proceedings taken or agreement made and entered into thereunder, or invalidate any subsequent proceedings taken thereunder, provided such notices have been duly served, and any such agreement may be amended so as to conform to this Act, with the consent in writing of the parties thereto, filed in the same manner as the agreement, or by order of the Judge on an appeal under this Act. R.S.O. 1897, c. 285, s. 10.

Adjourning meeting for purpose of adding parties.

**11.** If at the meeting of owners it appears that the notice required by section 8 has not been duly served, the owners present at such meeting may adjourn the meeting to some

subsequent day to enable the necessary notices to be served and such adjourned meeting shall, if such notices have been served, be a sufficient compliance with this Act. R.S.O. 1897, c. 285, s. 11. *Amended.*

Head of council to sign on behalf of municipality.

**12**. The head of the council of any municipality may sign the agreement, and his signature shall be binding upon the corporation. R.S.O. 1897, c. 285, s. 12.

Requisition for appointment by engineer when no agreement arrived at.

**13**. If an agreement is not arrived at by the owners at the meeting, or within five days thereafter, the owner requiring the ditch may file with the clerk of the municipality in which his land is situate a requisition, Form 4, naming therein all the several parcels of land that will be affected by the ditch and the respective owners thereof, and requesting that the engineer appoint a time and place in the locality of the proposed ditch, at which he will attend, to make an examination as hereinafter provided. R.S.O. 1897, c. 285, s. 13.

Notice to engineer and notice of appointment made by engineer.

**14**.—(1) The clerk, upon receiving the requisition, shall forthwith transmit a copy of it by registered post to the engineer.

Notifying clerk thereof.

(2) On the receipt of the same by the engineer he shall notify the clerk in writing, appointing a time and place at which he will attend in answer to the requisition, which time shall be not less than ten and not more than sixteen clear days from the day on which he received the copy of the requisition.

Notice to all parties.

(3) On the receipt of such notice of the appointment from the engineer the clerk shall file the same with the requisition, and shall forthwith send, by registered post, a copy of the notice of appointment to the owner making the requisition, who shall, at least four clear days before the time so appointed, serve upon the other owners named in the requisition a notice, Form 5, requiring their attendance at the time and place fixed by the engineer, and shall, after serving such notice, indorse on one copy thereof the time and manner of service, and leave the same with the engineer not later than the day before that fixed in the notice of appointment. R.S.O. 1897, c. 285, s. 14.

Mode of serving notices.

**15**.—(1) Notices shall be served personally, or by leaving the same at the usual place of abode of the owner or occupant, with a grown-up person residing there, and in case of non-residents, upon the agent of the owner, or by registered post addressed to the owner at the post office nearest to his last known place of residence, and where his place of residence is not known the notice may be served in such manner as the Judge may direct.

(2)

Occupant to notify owner.

(2) An occupant, not the owner of the land, notified in the manner provided by this Act, shall immediately notify the owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect. R.S.O 1897, c. 285, s. 15.

Examination by engineer.

**16.**—(1) The engineer shall attend at the time and place appointed by him, and shall examine the locality, and if he deems it proper, or if requested by any of the owners, may examine the owners and their witnesses present, and take their evidence, and may administer an oath to any owner or witness examined by him.

Adjournment to serve other owners.

(2) If upon examining the locality the engineer is of opinion that the land of owners upon whom notice has not been served will be affected by the ditch, he shall adjourn the proceedings to a day named, and direct a notice of the adjourned meeting similar to that required by section 14 to be served on such owners by the owner making the requisition, for the purpose of allowing such owners to be present and to be heard upon the examination and taking of evidence. R.S.O. 1897, c. 285, s. 16 (1). *Amended.*

Further proceedings by engineer making award.

(3) The engineer may adjourn his examination and the hearing of evidence from time to time, and if he finds that the ditch is required he shall, within thirty days after his first attendance make his award in writing, Form 6, specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners, so that as far as practicable each owner shall maintain the portion on his own land; and stating the amount of his fees and the other charges, and by whom the same shall be paid. R.S.O. 1897, c. 285, s. 16 (2).

Time for making award not to include time required for approval by Railway Commissioners.

(4) The period prescribed for the engineer to make his award shall be exclusive of the time required to obtain the approval of the works or the specifications or plans thereof by the Ontario Railway and Municipal Board or the Board of Railway Commissioners for Canada, where such approval is necessary. 4 Edw. VII. c. 10, s. 62.

Specifying material for covering ditch.

(5) Where a ditch or any part thereof is to be covered, the engineer shall in his award specify the kind of material to be used in the covered part. R.S.O. 1897, c. 285, s. 16 (3).

Rock cutting or blasting

**17**. Where rock cutting or blasting is necessary, if the engineer is of opinion that it can be done more conveniently or less expensively by letting the work by tender or otherwise by public competition than if it were done by the owners, he may by his award direct that it be so let, and in that case he shall by the award fix and determine the part or proportion of the cost of the work which each of the owners is to pay. R.S.O. 1897, c. 285, s. 31, *part amended.*

Engineer may order opening of ditch across land of a person not benefited

**18**. If the engineer is of the opinion that the land of any owner will not be sufficiently affected by the construction of the ditch to make him liable to perform any part thereof, and that it is or is not necessary, as the case may be, to construct the ditch across or into his land, he may, by his award, relieve such owner from performing any part of the work of the ditch and may place its construction on the other owners; and any person carrying out the provisions of the award upon the land of the owner so relieved shall not be a trespasser if he causes no unnecessary damage, and he shall replace any fences opened or removed by him. R.S.O. 1897, c. 285, s. 17.

Award, plan, etc.

**19**.—(1) The award and any plan, profile, and specifications of the ditch shall be in as many parts as there are municipalities in which land affected by the award is situate.

Filing award, etc.

(2) The engineer forthwith, after making the award, shall file one part thereof and of any plan, profile or specifications with the clerk of each of the municipalities, and the same may be given in evidence in any legal proceedings by a copy certified by the clerk.

Notice to persons affected

(3) The clerk, upon the filing of the award, shall notify each of the persons affected thereby within the municipality of which he is clerk, by registered letter or personal service, of the filing of the same, and the part of the work to be done and material to be furnished by the persons so notified as shown by the award, and shall keep a book in which he shall record the names of the persons to whom he sent notices, the addresses to which the same were sent, and the date upon which the same were deposited in the postoffice or personally served. R.S.O. 1897, c. 285, s. 18. *Amended.*

Powers of engineer of municipality in which proceedings commenced

**20**. If the land affected by the ditch is situate in two or more municipalities, the engineer of the municipality in which proceedings were commenced may continue the ditch into or through so much of the land in any other municipality as may be found necessary, but within the limit of length hereinbefore provided, and all proceedings authorized by this

Act

Act shall be taken and carried on in the municipality in which the proceedings were commenced. R.S.O. 1897, c. 285, s. 19.

Appeals from award to County Judge

**21.**—(1) Any owner affected by the award, within fifteen clear days from the date of the mailing or service of the last of the notices of the filing of the award, may appeal therefrom to the Judge. R.S.O. 1897, c. 285, s. 22 (1); 7 Edw. VII. c. 48, s. 1.

Notice of appeal.

(2) The appellant shall serve upon the clerk of the municipality in which the proceedings were commenced, a notice in writing of his intention to appeal, shortly setting forth the grounds of appeal.

Clerk to notify Judge and Judge to fix time and place for hearing.

(3) The clerk, after the expiration of the time for appeal, shall transmit by registered post or deliver, a copy of the notice or notices of appeal, and a certified copy of the award, and the plans and specifications to the Judge, who shall forthwith, upon the receipt thereof, notify the clerk of the time he appoints for the hearing of the appeal, and shall fix the place of hearing at the town hall or other place of meeting of the council of the municipality in which the proceedings were commenced, unless, for greater convenience and to save expense, he fixes some other place.

Indemnity against costs of appeal.

(4) The Judge may order such sum to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Notice to engineer and all parties.

(5) The clerk upon receiving notice from the Judge shall forthwith notify the engineer, and all parties interested, in the manner provided for the service of notices.

Inspection of premises by another engineer.

(6) An appellant may have the land inspected by any other engineer or person who, for such purposes, may enter upon the land, but shall do no unnecessary damage.

Clerk of the Court.

(7) The clerk to whom notice of appeal is given shall be the clerk of the court, and shall record the proceedings. R.S.O. 1897, c. 285, s. 22 (2), (3), (4) and (5).

Judge to hear and determine within two months.

(8) It shall be the duty of the Judge to hear and determine all the appeals within two months after receiving notice thereof from the clerk, or within such further period as, on hearing the parties, he may deem necessary, as provided by subsection 9, but no proceedings under this Act shall be rendered invalid by the failure of the Judge to hear and determine the appeal within such period. R.S.O. 1897, c. 285, s. 22 (6); 1 Edw. VII. c. 12, s. 22.

(9)

Powers of Judge on appeal.

(9) The Judge may examine parties and witnesses on oath and may inspect the land and may require the engineer to accompany him; and may alter or affirm the award and correct any errors therein.

Costs of appeal.

(10) If the award is affirmed or altered, the costs of the appeal shall be in the discretion of the Judge; but, if set aside, he may order payment of the costs mentioned in the award, and the costs of appeal by the parties to the award, or any of them, as to him may seem just, and may fix the amount of such costs. R.S.O. 1897, c. 285, s. 22 (7).

Depriving engineer of fees when guilty of misconduct.

(11) If the Judge finds that the engineer has knowingly and wilfully favoured any one or more of the parties to the proceedings, or has neglected his duty, he may direct that the engineer be deprived of all fees in respect to the award, or of such part thereof as the Judge may deem proper, but this shall not deprive any party to the proceedings of any remedy he may otherwise have against the engineer. R.S.O. 1897, c. 285, s. 22 (8); 4 Edw. VII. c. 10, s. 63.

Fees and disbursements of Judge.

(12) The Judge shall be entitled to five dollars a day and necessary travelling expenses for holding a court for the trial of appeals, including the inspection of the land, which charge shall be part of the costs of the appeal. R.S.O. 1897, c. 285, s. 22 (9).

Enforcement of award as amended.

(13) The order of the Judge shall be filed with the clerk, and the award, as altered or affirmed, and the order of the Judge as to costs, may be enforced in the same manner as the award of the engineer, and the time for the performance of the award shall be computed from the date of the judgment on the appeal.

Notice of changes to be given to clerk and filed with award.

(14) The clerk shall immediately after the hearing send by registered post to the clerk of any other municipality in which land affected by the ditch is situate a certified copy of the changes, if any, made in the award by the Judge, which shall be filed with the award, and each clerk shall forthwith, by registered letter, notify every owner within his municipality of any change made in the work and material assigned to such owner. R.S.O. 1897, c. 285, s. 22 (10).

Notice of setting aside.

(15) If the award is set aside, the clerk shall forthwith notify the fact to the clerk of every other municipality in which land affected by the award is situate. *New.*

Judge may amend or refer back award.

**22**. No award shall be set aside for want of form only or for want of strict compliance with the provisions of this Act, and the Judge, instead of setting aside the award, may amend it or the other proceedings, or may refer back the award to the engineer, with such directions as the Judge may deem necessary. R.S.O. 1897, c. 285, s. 23.

When award to be binding notwithstanding defects.

**23**. An award shall, after the time limited for an appeal to the Judge, and after the determination of appeals, if any, by him, where the award is affirmed, be valid and binding, to all intents and purposes, notwithstanding any defect in form or substance, either in the award or in any of the proceedings prior to the making of the award. R.S.O. 1897, c. 285, s. 24. *Amended.*

Powers of Judge as to taking evidence.

**24**. On an appeal from an award the Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties and other persons as belong to or might be exercised by him in the County Court. R.S.O. 1897, c. 285, s. 25.

Clerk may issue summons to witness.

**25**.—(1) Upon an appeal, the clerk shall issue summonses to witnesses, upon the application of any party to the proceedings, or upon an order of the Judge for the attendance of any person as a witness before him.

Effect of summons.

(2) The summons shall have the same force and effect as a subpœna isued out of the County Court.

Witness fees.

(3) The fees to be allowed to witnesses shall be upon the scale of fees allowed to witnesses in an action in the Division Court. R.S.O. 1897, c. 285, s. 26.

Payment of costs by municipality.

**26**.—(1) Subject to the provisions of section 27, the corporation of the municipality in which the proceedings were commenced shall within ten days after the time for appealing, or after the determination of the appeals, as the case may be, pay to the engineer and to the judge and all other persons, the fees, charges, and costs awarded or adjudged to be paid to them, and as respects the portion thereof payable by the owners of land situate within the municipality the same shall be forthwith repaid by such owners to the treasurer of the municipality.

Charge of same on land of owner.

(2) If default is made by any owner in repaying the amount for which he is liable, the same, with seven per cent. added thereto, shall form a charge on his land, and may be collected in like manner as municipal taxes, and the council shall cause the same to be placed on the collector's roll, and to be so collected.

(3)

Where lands are in more than one municipality

(3) Where the lands affected by the award are situate within two or more municipalities, the corporation of each of the other municipalities shall forthwith, after notice in writing, repay to the corporation of the municipality in which the proceedings were commenced, the sums for which the owners of lands within its limits are liable, and the provisions of subsection 2 shall apply in respect of the sums so repaid. R.S.O. 1897, c. 285, s. 27. *Amended.*

Letting rock cutting or blasting by tender.

**27.** Where the award provides for rock cutting or blasting, the engineer shall let such work by tender or otherwise by public competition, and upon completion of it shall certify, Form 8, to the clerk of the municipality in which the proceedings were commenced, the cost thereof, including his fees and the expenses, and the like proceedings shall be had and the like duties be performed in respect thereof as are provided for by sections 19 and 26, which shall apply *mutatis mutandis.* R.S.O. 1897, c. 285, s. 31, *part.*

Letting work on non-compliance with award.

**28.**—(1) At the expiration of the time limited by the award for the completion of the ditch, the engineer shall inspect the same, and if he finds the ditch or any part thereof not completed in accordance with the award, he may let the work and supply of material to the lowest bidder, who shall furnish security to the corporation, to be approved by the engineer, for the due performance thereof within a time to be fixed by the engineer, but the letting shall not take place:—

(*a*) Until notice in writing of the intended letting has been posted up for four clear days in at least three conspicuous places in the neighbourhood of the place at which the work is to be done; and

(*b*) Until after four days from the sending of copies of the notice by registered post to the last known addresses of the persons interested in the award, who do not reside in the municipality or municipalities, as the case may be.

Extension of time for compliance.

(2) If the engineer is satisfied of the good faith of any person failing in the performance of the award, and there is good reason for the non-performance thereof, he may, in his discretion, and upon payment of his fees and charges, extend the time for performance.

Liability of person in default of doing work after proceedings begun

(3) Any owner in default who, after proceedings are begun to let the same, supplies the material and does the work, shall be liable for the fees and expenses occasioned by his default, and the same shall form a charge on his land;

and

and, if not paid by him after notice, the council shall pay the same on the certificate of the engineer, and shall cause the amount, with seven per cent. added thereto, to be placed on the collector's roll against the land of the person in default, to be collected in the same manner as municipal taxes.

Power to re-let.

(4) The engineer may let the work and supply of material directed by the agreement or award, or any part thereof, a second time or oftener, if it becomes necessary in order to secure its performance and completion. R.S.O. 1897, c. 285, s. 28; 2 Edw. VII. c. 12, s. 26.

Certificates of engineer upon completion of work let.

**29.**—(1) The engineer, within ten days after receipt of notice in writing of the supplying of material and completion of the work let, as in the next preceding section mentioned, shall inspect the same, and if he finds the material furnished and the work completed, shall certify the same in writing, Form 8, to the clerk of the municipality by which he was appointed. R.S.O. 1897, c. 285, s. 29.

Where lands affected in more municipalities than one.

(2) Where lands situate within two or more municipalities are affected by the certificate of the engineer, the certificate shall be in as many parts as there are municipalities, and one of such parts shall be transmitted by the engineer to the clerk of each of them. *New.*

Costs, fees and charges.

(3) The provisions of section 26 shall apply to the amount payable to the contractor, and the fees and charges of the engineer as so certified. *New.*

Owners desiring to avail themselves of ditch after construction.

**30.** If an owner during or after the construction of a ditch desires to avail himself thereof for the purpose of draining lands other than those contemplated by the original proceedings he may avail himself of the provisions of this Act, as if he were an owner requiring the construction of a ditch; but no owner shall make use of a ditch after construction unless under an agreement or award pursuant to the provisions of this Act. R.S.O. 1897, c. 285, s. 32.

Deepening, widening or covering ditch.

**31.** This Act shall apply to the deepening, widening, or covering of any ditch already or hereafter constructed, and the proceedings to be taken for procuring such deepening, widening or covering, shall be the same as for the construction of a ditch, but in no case shall a ditch be covered, unless when covered it will provide capacity for all the surface and other water from lands and roads draining naturally towards and into it, as well as for the water from all the lands made liable for the construction thereof. R.S.O. 1897, c. 285, s. 33.

Maintenance of ditches heretofore or hereafter constructed.

**32**. A ditch, whether covered or open, constructed, or of any creek or watercourse that has been deepened or widened, under the provisions of any former Act respecting ditches and watercourses, or constructed, deepened, widened or covered under this Act, shall be maintained by the respective owners, in such proportion as is provided in the original or any subsequent agreement or award; and the manner of enforcing the same shall be as hereinafter provided. R.S.O. 1897, c. 285, s. 34.

Enforcing maintenance

**33**.—(1) If an owner whose duty it is to maintain any portion of a ditch neglects to maintain the same in the manner provided by the agreement or award, any of the owners, parties to the agreement or award, whose lands are affected by the ditch, may, in writing, notify the owner making default, to have his portion put in repair within thirty days from the receipt of such notice; and if the repairs are not made and completed within such thirty days, the owner giving the notice may notify the engineer in writing, to inspect the portion complained of.

Notice to repair.

Proceedings thereon.

(2) The inspection of the engineer and the procedings for doing and completing the repairs required and enforcing payment of costs, fees and charges shall be as provided in the case of the non-completion of the construction of a ditch; but if the engineer finds that there is no cause for complaint, he shall so certify, with the amount of his fees and charges, to the owner who complained, and also to the clerk of the municipality, and such owner shall pay the fees and charges of the engineer, and if not forthwith paid, the same shall be charged and collected in the same manner as is provided for in the case of other certificates of the engineer. R.S.O. 1897, c. 285, s. 35 (1), (2).

If no cause of complaint found.

Proceedings for deepening, etc., by owner or person interested.

**34**. An owner interested in or affected by a ditch heretofore or hereafter constructed, which has not been constructed under any of the Acts referred to in section 32 or under this Act, or under any Act relating to the construction of drainage work by local assessment, may take proceedings for the deepening, widening, extending, covering, or repairing of such ditch in the same manner as for the construction of a ditch under this Act; but the extent of the work, the cost thereof, and the assessment therefor shall not exceed the limitations imposed by sections 6 and 7. R.S.O. 1897, c. 285, s. 35 (3).

Reconsideration of agreement or award.

**35**.—(1) Subject to the provisions of subsection 2, an owner, party to the agreement or award, whose land is affected by a ditch, whether constructed under this Act or any other Act respecting ditches and watercourses, at any time

after

after the expiration of two years, or in the case of a covered drain of one year from the completion thereof, may take proceedings for the reconsideration of the agreement or award under which it was constructed, and the proceedings shall be the same as are hereinbefore provided in the case of the construction of a ditch.

Where ditch after construction proves insufficient.

(2) If a ditch, after its construction, proves insufficient for the purposes for which it was constructed so as to cause an overflow of water upon any land along the ditch and damage to the same, any owner, party to the agreement or award, may at any time after the expiration of six months from the completion of the ditch take proceedings for the reconsideration of the agreement or award under which such ditch was constructed for the purpose of remedying the defect in that particular respect. R.S.O. 1897, c. 285, s. 36; 8 Edw. VII. c. 64, s. 2.

Penalty for engineer failing to inspect.

**36.** An engineer who wilfully neglects to make any inspection provided for by this Act for thirty days after he has received written notice to inspect, shall incur a penalty of not less than $5 and not more than $10, recoverable under *The Ontario Summary Convictions Act,* and every such penalty, when recovered, shall be paid over to the treasurer of the municipality in which the inspection should have been made. R.S.O. 1897, c. 285, s. 37.

10 Edw. VII. c. 37.

Actions for mandamus, etc., not to lie.

**37.** No action, suit, or other proceeding shall lie or be taken for a mandamus or other order to enforce or compel the performance of an agreement or award or the completion of a ditch, but the same shall be enforced in the manner provided for in this Act. R.S.O. 1897, c. 285, s. 38.

Forms to be supplied by municipality.

**38.** It shall be the duty of the council of every municipality to keep printed copies of all the forms required by this Act. R.S.O. 1897, c. 285, s. 9 (2).

**39.** The following Acts and parts of Acts are repealed:

Repeal.

Chapter 285 of the Revised Statutes of Ontario, 1897 (*The Ditches and Watercourses Act*);

Sections 1, 2 and 7 of chapter 28 of the Acts passed in the second Session held in the 62nd year of the reign of Her late Majesty Queen Victoria (*The Drainage Amendment Act, 1899*);

Section 22 of Chapter 12, of the Acts passed in the first year of the reign of His late Majesty King Edward VII. (*An Act to amend the Statute Law*);

Section

Section 26 of chapter 12 of the Acts passed in the second year of the said reign (*An Act to amend the Statute Law.*);

Sections 62 and 63 of chapter 10 of the Acts passed in the fourth year of the said reign (*The Statute Law Amendment Act, 1904*);

Chapter 48 of the Acts passed in the seventh year of the said reign (*An Act to amend the Ditches and Watercourses Act*);

Chapter 64 of the Acts passed in the eighth year of the said reign (*An Act to amend the Ditches and Watercourses Act*);

Chapter 100 of the Acts passed in the tenth year of the said reign (*An Act to amend the Ditches and Watercourses Act*);

Commencement of Act.

**40**. This Act shall come into force on the 1st day of July, 1912.

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FORM 1.

BY-LAW FOR APPOINTMENT OF ENGINEER.

A by-law for the appointment of an engineer under *The Ditches and Watercourses Act.*

Finally passed , 19 .

The municipal council of the of in the county (*or* district), of enacts as follows:

1. Pursuant to the provisions of *The Ditches and Watercourses Act*, (*name of person*) of the of , in the of , is appointed engineer for this municipality to carry out the provisions of the said Act.

2. The engineer shall be paid the following fees for services rendered under the Act (*or as the case may be*).

Reeve.

Clerk.

[L.S.]

R.S.O. 1897, c. 285, Sched. Form A.

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FORM 2.

NOTICE TO OWNERS OF LANDS AFFECTED BY PROPOSED DITCH.

To

Sir,

I am the owner of lot (*describing*) it and as such owner I require a ditch to be constructed under *The Ditches and Watercourses Act*, to drain it (*or if for reconsideration of agreement or award or to deepen, widen, cover or otherwise improve the ditch, state the object*).

The

The following other lands will be affected: (*here set out the other parcels of land, lot, concession or street and township or other local municipality, and the name of the owner in each case; also each road and the municipal corporation controlling it*).

I hereby request you, as owner of (*state his land*), to attend at (*state place of meeting*), on the day of , 19 , at the hour of o'clock in the noon, with the object of agreeing on the respective portions of the work and materials to be done and furnished by the several owners interested and the several portions of the ditch to be maintained by them.

Dated day of , 19 .

Yours, etc.,
(*Name of Owner.*)

R.S.O. 1897, c. 285, Sched. Form C.

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FORM 3.

AGREEMENT BY OWNERS.

Whereas it is found necessary that a ditch should be constructed (*or* deepened, *or* widened, *or* otherwise improved) under the provisions of *The Ditches and Watercourses Act*, for the draining of the following lands (and roads *if any*): (*here describe each parcel and give name of owner as in the notice, including the applicant's own land, stating lot, concession or street, and township or other local municipality, and also roads and by whom controlled.*)

Therefore we the owners within the meaning of the said Act of the said lands (*and if roads* and the reeve of the said municipality on behalf of the council thereof) do agree each with the other as follows: That a ditch be constructed (*or as the case may be*) and we do hereby estimate the cost thereof at the sum of $ , and the ditch shall be of the following description: (*here give point of commencement, course and termination, its depth, bottom and top width and other particulars as agreed upon, also any bridges, culverts or catch-basins, etc., required.*) I owner of (*describe his lands*) agree to (*here give portion of work to be done, or material to be supplied*), and to complete the performance thereof on or before the day of , 19 , I, owner of, etc. (*as above, to the end of the ditch.*)

That the ditch when constructed shall be maintained as follows: I, , owner of (*describe his lands*) agree to maintain the portion of ditch from (*fix the point of commencement*) to (*fix the point of termination of his portion*), I , owner of (*describe his lands*) agree to maintain, etc., (*as above to the end of the ditch.*)

Dated day of , 19 .

Signed in presence of

(*Signature parties.*)

R.S.O. 1897, c. 285, Sched. Form D.

FORM

FORM 4.

REQUISITION FOR EXAMINATION BY ENGINEER.

To (*name of clerk*),
Clerk of
(*P.O. address*).

Sir,—I am, within the meaning of *The Ditches and Watercourses Act*, the owner of lot (*describing it*) and I require the construction (*or* deepening, widening, covering *or* otherwise improving, *as the case may be*), of a ditch under the provisions of the said Act, and the following lands and roads will be affected: (*here describe each parcel to be affected as in the notice for the meeting to agree and state the name of the owner thereof*), and the said owners having met and failed to agree in regard to the same, I request that the engineer appointed by the municipality be requested to appoint a time and place at which he will attend and examine the premises, hear any evidence of the parties and their witnesses, and make his award.

Dated day of , 19 .

(*Signature of the party or parties.*)

R.S.O. 1897, c. 285, Sched. Form E.

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FORM 5.

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER.

To (*name of owner*).
(*P.O. address*).

Sir,—You are hereby notified that the engineer appointed by the municipality for the purposes of *The Ditches and Watercourses Act*, has, in answer to my requisition, fixed the hour of o'clock in the noon of , the day of 19 , to attend at (*name the place appointed*), and to examine the premises and site of the ditch required by me to be constructed (*or as the case may be*), under the provisions of the said Act, and you, as the owner of lands affected, are required to attend with any witnesses that you may desire to have heard, at the said time and place.

Dated day of , 19 .

Yours, etc.,
(*Signature of applicant.*)

R.S.O. 1897, c. 285, Sched. Form F.

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FORM 6.

AWARD OF ENGINEER.

I, , the engineer appointed by the council of the municipality of the of in the county (*or* district) of , under the provisions of *The Ditches and Watercourses Act*, having been required so to do by the requisition of , owner of lot (*describe as in requisition*), filed with the clerk of the said municipality and representing that he requires certain work to be done under the provisions of the said Act for the draining of the said land, and that the following other

lands

lands (*and roads*) will be affected:—(*here set out the other parcels of lands or roads affected as in the requisition*), did attend at the time and place named in my notice in answer to said requisition, and having examined the locality (and the parties and their witnesses *if such be the case*) find that the ditch (*or* the deepening, widening, covering or otherwise improving of a ditch) is required. The location, description and course of the ditch, and its point of commencement and termination are as follows:

(*Here describe the ditch as to all above particulars.*)

The said works will affect the following lands:—(*here set forth the other lands and their respective owners.*) I do, therefore, award and apportion the work and the furnishing of material among the lands affected and the owners thereof according to my estimate of their respective interests in the said works as follows:—

1. (*Name of owner and description of his land*) shall make and complete (*here fix the point of commencement and ending of his portion*) and shall furnish the material (*state what material*), all of which, according to my estimate, will amount in value to $ , and I fix the time for the completion of such work and providing such material on the day of 19 , at furthest.

2. (*Name of owner and description of his land, and so on as above to the end.*)

I do further award and apportion the maintenance of the ditch as follows:—

1. (*Name of owner and description of his land*) shall maintain (*here fix the points of commencement and ending of his portion.*)

2. (*Name of owner, etc., as above.*)

(*When rock drilling or blasting is directed add particulars required by section 17.*)

The fees and the other charges attendant upon and for making this award are (*here give fees and other charges, including clerk's fees in detail*), amounting in all to $ , which shall be borne and paid as follows:—(*state by whom and by what lands respectively.*)

Dated the day of , 19 .

Witness, (*Signature of Engineer.*)

R.S.O. 1897, c. 285, Sched. Form G.

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FORM 7.

CERTIFICATE OF ENGINEER.

(*Default of owner.*)

To

Clerk of the of

I hereby certify that has furnished the material and completed the work (*as the case may be*) which under my award made under *The Ditches and Watercourses Act*, and dated the day of , 19 , owner of lot number (*describe his land, giving township or otherwise*) was adjudged to perform, and having failed in the performance of the same it was subsequently let by me to the said for the sum of $ , and as he has now completed the performance thereof he is entitled to be paid the said amount.

I further certify that my fees and charges for my services rendered necessary by reason of such failure to perform are (*stating items*) $ , and said amount payable to the said contractor and the said fees and charges are chargeable on (*describe property to be charged therewith*) under the said Act, unless forthwith paid.

Dated the day of , 19 .

(*Signature of Engineer.*)
Engineer for

R.S.O. 1897, c. 285, Sched. Form H.

FORM

FORM 8.

CERTIFICATE OF ENGINEER.

(*Rock-cutting or Blasting.*)

To

Clerk of the of

I hereby certify that the rock-cutting and blasting provided for by my award made under *The Ditches and Watercourses Act*, and dated the day of , 19 , was let to for the sum of $ , and he has completed the work and is entitled to be paid that sum, and that my fees and charges (*stating items*) are $

Dated the day of , 19 .

(*Signature of Engineer*)
Engineer for

*New.*

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CHAPTER

# CHAPTER 75.

## An Act to amend The Ontario Game and Fisheries Act.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause (*b*) of Subsection 1 of Section 11 of *The Ontario Game and Fisheries Act* is amended by striking out the said paragraph and substituting therefor the words "Any moose, reindeer or caribou in that part of Ontario lying south of the main line of the Canadian Pacific Railway in the Town of Mattawa to the City of Port Arthur, except between the first day of November and the fifteenth day of November, both days inclusive." 7 Edw. VII. c. 49, s. 11 (1), cl. *b.* amended.

(2) Clause (*c*) of the said subsection is amended by inserting after the words "Manitoba boundary," in the fourth line thereof, the words following: 7 Edw. VII. c. 49, s. 11 (1) cl. *c.* amended.

> "and that part of the Province lying to the south of the Canadian Pacific Railway from the Town of Port Arthur to the Manitoba boundary."

(3) Clause (*d*) of the said subsection is amended by adding thereto the words following:— 7 Edw. VII. c. 49, s. 11 (1), cl. *d.* amended.

"But no person shall take or kill more than ten partridges in any one day." Partridges.

(4) Clauses (*g*) and (*h*) of the said subsection are hereby repealed and the following clauses are substituted therefor respectively: 7 Edw. VII. c. 49, s. 11 (1), cls. *g* and *h*, amended.

> "(*g*) Duck of all kinds or any other waterfowl, and snipe, rail, plover or any other birds known as shore birds or waders in the Northern District of the Province of Ontario as hereinafter described, except from the first day of September to the fifteenth day of December in any year, both days inclusive." Ducks and other water fowl in northern district.

In southern district.

"(*h*) Duck of all kinds or any other water-fowl and snipe, rail, plover or any other birds known as shore birds or waders in the Southern District of the Province of Ontario as hereinafter described except from the fifteenth day of September to the fifteenth day of December in any year, both days inclusive."

7 Edw. VII. c. 49, s. 11 (1), cl. *j*, amended.

(5) Clause (*j*) of the said subsection is hereby amended by adding thereto the following words:—

Hares and Rabbits.

"Provided that between the 15th day of December and the 31st day of December in any year, both days inclusive, the wood-hare or cotton-tail rabbit may be taken or killed by means of snares, ferrets or by any other means than by shooting."

7 Edw. VII c. 49, s. 11, amended.

**2**. The said section 11 of the said Act is amended by adding thereto the following subsection as subsection 4 thereof.

Northern District, what to mean.

(4) The expression "the Northern District of the Province of Ontario" shall mean and include all that part of the Province of Ontario lying northerly and westerly of the lines of the Canadian Pacific Railway Company described as follows, that is to say: Commencing where the main line of the Canadian Pacific Railway Company from Montreal to Toronto enters the Province of Ontario, thence following the said main line along the southerly extension thereof, now under construction, and lying to the south of Rice Lake, and thence following the said main line to the City of Toronto, thence following the line of the Canadian Pacific Railway Company to the City of Guelph and thence following the line of the Guelph and Goderich Railway Company to the Town of Goderich.

Southern District, what to mean.

The expression "the Southern District of the Province of Ontario" shall mean and include all that part of the Province of Ontario lying to the South of the said line.

7 Edw. VII c. 49, s. 12 amended.

**3**. Section 12 of the said Act is amended by adding after the word "following," in the third line of subsection 2 thereof the words "except as provided for in the next succeeding subsection hereof," and by adding the following as subsection 2*a*:

Close season in Thunder Bay, Fort William, Rainy River, and Kenora.

2*a*. The close season in the Districts of Thunder Bay, Fort William, Rainy River and Kenora shall be from the first of May to the first of March following.

**4.** Section 17 of the said Act is repealed and the following substituted therefor:— 7 Edw. VII. c. 49, s. 17, repealed.

17. No person shall discharge any gun or other fire-arm at any game between sunset and sunrise. Shooting at night.

**5.** *The Ontario Game and Fisheries Act* is amended by adding thereto the following as section 52*a*:— 7 Edw. VII. c. 49, amended.

52*a*. The Minister may direct the return or refund of the fee paid for any license issued under this Act or any part of such fee, when owing to the license not having been used, he thinks it just so to do, and the Treasurer of Ontario upon the written request of the Minister shall cause a cheque to be issued for the amount of such refund. Refund of license fee or portion thereof.

CHAPTER

# CHAPTER 76.

## An Act to amend the School Laws.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The School Law Amendment Act, 1912.*

9 Edw. VII. c. 88, s. 6 amended.

Apportionment of agricultural grant.

**2.** Section 6 of *The Department of Education Act* is amended by inserting therein the following clause:—

(11) Subject to the regulations, to apportion all sums received by the Government of Ontario for the purposes of agricultural education from any other source than an appropriation by the Legislature of Ontario among High Schools, Continuation Schools, and Public and Separate Schools of the Province.

9 Edw. VII. c. 89, s. 6, sub-sec 1, amended.

Right to attend school.

**3.** Subsection 1 of section 6 of *The Public Schools Act* is amended by inserting after the word "years" in the third line the words "except persons whose parents or guardians are separate school supporters."

9 Edw. VII. c. 89, s. 15, sub-sec. 1, cl. *b*, amended.

Alteration of school boundaries.

**4.** The clause lettered *b* in subsection 1 of section 15 of *The Public Schools Act* is amended by inserting the words "or parts" after the word "part" in the third line and by inserting the words "or sections" after the word "section" where it first occurs in the fourth line.

9 Edw. VII. c. 89, s. 35, amended.

**5.** Section 35 of *The Public Schools Act* is amended by adding thereto the following subsection:—

Assessment and collection of rates where section includes unorganized territory.

Where a union section is composed of a town in a Provisional Judicial District and of a portion of any other organized municipality and any part of an unorganized township, the part of the unorganized township included in the school section shall, for public school purposes, be deemed

to

to be annexed to the town and form part thereof, and the officers of the town shall make any assessments and collect all taxes and do all such other acts and perform such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section, as with respect to the town.

9 Edw. VII. c. 89, s. 43, sub-sec. 1, amended. Debentures in urban municipalities for water supply.

**6.** Subsection 1 of section 43 of *The Public Schools Act* is amended by inserting after the word "site" in the fifth line the words "for obtaining and conveying, from beyond the school premises if necessary, a supply of water."

9 Edw. VII. c. 89, s. 43, subsecs. 1 and 3, amended.

**7.** Subsections 1 and 3 of section 43 of *The Public Schools Act* are amended by adding at the end of each of them the words "and it shall not be necessary that the by-law shall be submitted to the electors for their assent."

9 Edw. VII. c. 89, s. 72, cl. *h*, amended. Duties and powers of trustees.

**8.** The clause lettered *h* in section 72 of *The Public Schools Act* is amended by adding after the word "science" at the end of the clause the words "and establish school gardens and summer or vacational schools."

9 Edw. VII. c. 89, s. 74, subsec. 1, amended. Grants from urban boards for cadet corps.

**9.** Subsection 1 of section 74 of *The Public Schools Act* is amended by inserting after the word "expedient" in the second line the words "for establishing and maintaining cadet corps and."

9 Edw. VII. c. 87, s. 87, subsec. 1, repealed.

**10.** Subsection 1 of section 87 of *The Public Schools Act* is repealed and the following substituted therefor:

Teachers institutes, their objects.

(1) Subject to the Regulations, teachers may organize themselves into Teachers' Institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods.

9 Edw. VII. c. 89, s. 87, sub-sec. 2, amended. Legislative grant to teachers' institutes

**11.** Subsection 2 of section 87 of *The Public Schools Act* is amended by inserting after the word "regulations" in the third line the words "where the number of teachers in the Inspectorate or united Inspectorate is 100 or less, and where it is more than 100, $25 for each additional 100 or portion thereof," and by adding at the end of the subsection the words "if the teachers in an inspectorate composed of a city and part of a county, are united in one Teachers' Institute, the corporation of each municipality shall pay its share of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates."

9 Edw. VII. c. 89, s. 90, sub-sec. 1, amended.

**12**. Subsection 1 of section 90 of *The Public Schools Act* is amended by inserting after the word "county" in the seventh line the words "including portions of union school sections."

County rates in aid of schools.

9 Edw. VII. c. 89, s. 97, sub-sec. 1, repealed.

**13**. Subsection 1 of section 97 of *The Public Schools Act* is repealed and the following substituted therefor:—

Inspector to cease to hold office on 31st December, 1912, unless approved by Minister.

(1) If the Minister does not before the 1st day of October 1912, notify the clerk of the council by which any inspector is appointed that he approves of the continuance in office of such inspector, the inspector shall cease to hold office on the 31st day of December, 1912, and shall not thereafter be eligible for appointment as inspector.

9 Edw. VII. c. 89, s. 100, sub-sec. 1 and 2 repealed.

**14**. Subsections 1 and 2 of section 100 of *The Public Schools Act* are repealed and the following substituted therefor:—

Salaries of Inspectors appointed after 1st January, 1912.

(1) Every County Inspector appointed after the first day of January, 1912, shall receive a salary for the first year of his employment of $1,700, for the second year $1,800, for the third year $1,900, and for every subsequent year $2,000.

Appointed before 1st January, 1912.

(2) Every County Inspector who was in office on the 31st day of December, 1911, shall be paid a salary of $1,800 per annum for 1912, $1,900 for 1913, and $2,000 for every subsequent year.

9 Edw. VII. c. 89, s. 108, amended.

**15**. Section 108 of *The Public Schools Act* is amended by adding thereto the following subsection:—

Investment of funds bequeathed or given to Board.

1 Geo. V. c. 26.

(2) A board may invest any money received through legacy, gift or otherwise, and for such purposes may have and may exercise the powers conferred upon trustees by *The Trustee Act*.

9 Edw. VII. c. 90, s. 5, sub-sec. 2, amended.

**16**. Subsection 2 of section 5 of *The Continuation Schools Act* is amended by striking out the word "portion" in the third line and inserting in lieu thereof the word "portions" and by striking out the words "a township" in the third and fourth lines, and inserting in lieu thereof the words "one or more townships."

Attaching portions of townships to village or town for Continuation School purposes.

9 Edw. VII. c. 90, s. 6, sub-sec. 1, cl. *b*, amended.

**17**. The clause lettered *b* in subsection 1 of section 6 of *The Continuation Schools Act* is amended by striking out the words "a township" in the second line and inserting in lieu thereof the words "one or more townships" and by striking

striking out the word "the" in the third line and inserting in lieu thereof the word "each." Board of trustees, how composed.

**18.** Section 11 of *The High Schools Act* is amended by adding at the end thereof the words "The instructor shall perform such duties, and the funds set apart for instruction in agriculture shall be expended for such purposes as the Regulations may prescribe." 9 Edw. VII. c. 91, s. 11, amended. Instruction in agriculture.

**19.** Subsection 1 of section 22 of *The High Schools Act* is amended by adding at the commencement thereof the words "Unless all the members of the new board have been appointed and a date for the first meeting has been decided upon by the old board." 9 Edw. VII. c. 91, s. 22, sub-sec. 1, amended. First meeting of high school board.

**20.** The clause lettered *c* in section 24 of *The High Schools Act* is amended by inserting after the word "pupils" at the end of the clause the words "and may establish summer or vacational schools." 9 Edw. VII. c. 91, s. 24, cl. *c*, amended.

**21.** Section 45 of *The High Schools Act* is amended by inserting after the word "teaching" in the second line the words "in the High School District if a qualified examiner can be obtained therein." 9 Edw. VII. c. 91, s. 45, amended. Examiners for entrance examination.

**22.** The clause lettered *b* in subsection 1 of section 46 of *The High Schools Act* is amended by striking out the words "at its meeting in June" in the tenth line and inserting in lieu thereof the words "on or before the 1st day of June in any year." 9 Edw. VII. c. 91, s. 46, sub-sec. 1, cl. *b*, amended. Appointment of members of Board of Examiners by Public and Separate School Boards.

**23.** The clause lettered *e* in subsection 1 of section 5 of *The Boards of Education Act* is amended by inserting after the word "the" at the end of the fourth line the word "second." 9 Edw. VII. c. 94, s. 5 (1), cl. *e*, amended.

**24.** Section 9 of *The Boards of Education Act* is amended by adding at the commencement thereof the words "Unless all members of the new Board have been appointed and a date for the first meeting has been decided upon by the old Board" and by striking out all the words after the word "the" where it first occurs in the third line and inserting in lieu thereof the words "first Wednesday in February." 9 Edw. VII. c. 94, s. 9, amended. First meeting in each year.

**25.** Section 16 of *The Boards of Education Act* is amended by adding at the commencement thereof the words "Unless all members of the new Board have been appointed and a date for the first meeting has been decided upon by the old Board." 9 Edw. VII. c. 94, s. 16, amended. First meeting of union Board.

8 Edw. VII. c. 34, s. 23, amended.

Voting on public school matters.

**26.** Section 22 of *The Boards of Education Act* is amended by striking out the words "appointed by a county council or" in the first line.

8 Edw. VII. c. 34, s. 23, amended. 1 Geo. V. c. 75.

**27.** Section 23 of *The Boards of Education Act* is amended by striking out the words "*The Act respecting Technical Schools*" and inserting in lieu thereof the words "*The Industrial Education Act.*"

10 Edw. VII. c. 102, s. 1, subsec 3, amended.

**28.** Subsection 3 of section 1 of *The Act to amend the Department of Education Act* is amended by substituting (l) for (L.) after the word "clauses," in the second line thereof, and by substituting (*l*) for (*e*) after the word "clause," in the second line of clause (*g*) thereof.

Rev. Stat. c. 294, s. 33, amended.

**29.** Section 33 of *The Separate Schools Act* is amended by adding thereto the following subsection:—

Cadet corps and gymnastic and athletic exercises.

(1) An urban board may expend such sums as it may deem expedient for establishing and maintaining Cadet Corps and for promoting and encouraging gymnastic or other athletic exercises, provided such sums shall not exceed $200 per annum where the annual registered attendance of pupils does not exceed 3,000 and $50 additional for each additional 1,000 in attendance, and may also provide uniforms for classes in military drill.

Rev. Stat. c. 294, s. 81, sub-secs. 1, 2, amended.

**30.** Subsections 1 and 2 of section 81 of *The Separate Schools Act* are repealed and the following substituted therefor:—

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June."

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CHAPTER

# CHAPTER 77.

## An Act respecting the Compulsory School Attendance of Adolescents.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Adolescent School Attendance Act.*

Interpretation.

**2.** In this Act,—

"Adolescent."

(*a*) "Adolescent" shall mean a young person of either sex who has passed the High School Entrance Examination or completed the course of the fourth form of the public schools or an equivalent course and is under the age of seventeen years, or who is not less than fourteen nor more than seventeen years of age.

"Board."

(*b*) "Board" shall mean and include the Board of High School Trustees or Board of Education of a city, town or village and the Continuation School Board of an Urban Continuation School District, and an Urban Board of Public School Trustees and an Urban Board of Separate School Trustees.

By-laws respecting classes for adolescents.

**3.**—(1) A Board may pass by-laws requiring the attendance of adolescents in a city, town or village under the jurisdiction of the Board at day or evening classes to be established by the Board or at some other classes or school in the municipality.

Special meeting for consideration of by-laws.

(2) Every such by-law shall be passed at a special meeting of the Board called for the purpose of considering the same, after public notice of the meeting and of the object

thereof

thereof has been given once a week for four weeks in some newspaper published in the city, town or village, or if there is no such newspaper, in a newspaper published in an adjoining municipality or in the county or district town.

Provisions of by-laws.

**4.** The by-laws may provide,—

Compulsory attendance.

Adolescents not engaged in trades, etc.

(*a*) For the compulsory attendance at classes to be established by the Board or at some other school or classes in the municipality of every adolescent who is not otherwise receiving a suitable education or who is not exempt by the by-law;

Establishment of classes.

(*b*) For the establishment of day and evening classes for adolescents;

Age of attendance.

(*c*) For fixing the age, not exceeding seventeen years, for such compulsory attendance;

Courses of study,—providing Instructors.

(*d*) For prescribing courses of study approved by the Minister of Education and providing instructors and teachers for such classes with qualifications approved by the Minister of Education;

Special classes for either sex or for particular occupations.

(*e*) For special classes for either sex or for both and for those engaged in particular trades or occupations designated in the by-law;

Fixing times of compulsory attendance.

(*f*) For fixing the seasons and the number of hours in each day and in each week for the compulsory attendance required under the by-law.

When by-law to be prepared by advisory industrial committee constituted under 1 Geo. V. c. 79.

**5.**—(1) In a city, town or village in which schools have been established under section 4 of *The Industrial Education Act*, the terms of the by-laws so far as they relate to adolescents engaged in trades or in industrial or manufacturing occupations, shall be settled by the Advisory Industrial Committee;

When to be prepared by advisory commercial committee.

(2) In a city, town or village in which there is a Commercial High School or in which there is a Commercial Department in a High School or Continuation School, the terms of the by-laws, so far as they relate to adolescents engaged as clerks in offices or in any other department of commercial business, shall be settled by the Advisory Commercial Committee.

When by-law to come into force.

**6.** Every by-law passed under this Act shall come into force at the expiration of thirty days from the passing there-

of

of unless a petition is filed as hereinafter provided praying that it may be submitted to the electors.

Petition for submission of by-law to electors.

**7.**—(1) If within thirty days after the passing of a by-law under this Act, a petition signed by at least ten per cent. of the municipal electors in the municipality is filed with the clerk of the municipality praying that such by-law shall be submitted, the council shall, at a date not later than the next general municipal election in the municipality, submit the same in the manner provided by *The Consolidated Municipal Act, 1903*, to a vote of the electors of the municipality qualified to vote at municipal elections.

3 Edw. VII. c. 19.

By-law if assented to to come into force.

(2) If the by-law received the assent of the majority of the electors voting thereon, the clerk shall certify the result to the Chairman of the Board, and the by-law shall thereupon come into force; but if the by-law does not receive such assent it shall not come into force and no by-law for the same or a like purpose shall be passed by the Board for at least one year thereafter.

When by-law not assented to.

Control of classes where there is an advisory industrial committee or advisory commercial committee under 1 Geo. V. c. 79.

**8.** In a city, town or village for which there is an Advisory Industrial Committee constituted under *The Industrial Education Act,* that committee shall have the control and management of any classes established under a by-law prepared by it as provided in section 5, and in a city, town or village for which there is an Advisory Commercial Committee constituted under *The Industrial Education Act,* that committee shall have the control and management of the classes established under a by-law prepared by it as provided by section 5.

Exemptions from attendance.

**9.** No adolescent shall be compellable to attend classes established under this Act if he—

(*a*) Is declared exempt by by-law under this Act; or

(*b*) Has been granted special exemption by the Board or committee having the control or management of the classes which he should otherwise attend; or,

(*c*) Is unable through sickness, infirmity, or physical defect to attend such classes; or,

(*d*) Has obtained a junior High School Diploma or the equivalent thereof.

Notice of employment of adolescents.

**10.** Where a by-law passed under this Act is in force every person who has in his employment any adolescent to whom

whom the by-law applies, shall give notice to the Board of such employment at such times as the by-law may require, and shall state in such notice the hours during which the adolescent is employed by him.

Offences—

**11.** Every person who—

Failure to give notice.

(*a*) Fails to give the notice required by section 10; or,

Illegal employment during hours of instruction.

(*b*) Knowingly employs an adolescent at any time during which his attendance is by the by-law required at classes of instruction; or,

Employment for more than lawful time.

(*c*) Employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such classes will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or,

Neglect or default of parent or guardian.

(*d*) Being a parent or guardian of an adolescent has by wilful default or neglect suffered or permitted the employment of the adolescent in violation of any by-law passed under this Act, or suffers or permits such adolescent through want of proper care and control to violate any by-law requiring his attendance at such classes,

Penalty.

shall incur a penalty not exceeding $5 for the first offence and in the case of a second or subsequent offence in relation to the same adolescent or another adolescent shall incur a penalty not exceeding $25.

Application of 10 Edw. VII. c. 87.

(2) The penalties imposed by this section shall be recoverable in the manner provided under *The Ontario Summary Convictions Act.*

Powers and duties of truant officers. 9 Edw. VII. c. 92.

**12.** For the purpose of enforcing any by-law passed under this Act the Truant Officer appointed under *The Truancy Act* shall have and may exercise the powers and shall perform the duties conferred and imposed upon him by that Act.

Roman Catholics not to be required to attend public school classes.

**13.**—(1) No by-law passed under this Act shall require the attendance of an adolescent who is a Roman Catholic at any of the classes of a public school.

Absence on holy days excused.

(2) No penalty shall be imposed in respect to the absence of an adolescent from any school or from any classes established under this Act, on a day regarded as a Holy Day by the church or religious denomination to which such adolescent belongs.

CHAPTER

# CHAPTER 78.

## An Act respecting Industrial Farms.

*Assented to 16th April, 1912.*

SHORT TITLE, s. 1.
ESTABLISHMENT OF FARMS,
In cities and counties, s. 2 (1).
In Provisional Judicial Districts, s. 2 (2).
WHO LIABLE TO BE COMMITTED THERETO, s. 3.
JOINT INDUSTRIAL FARM, s. 4.
APPROVAL OF SITE, ETC., s. 5.
APPOINTMENT OF SUPERINTENDENT AND OFFICERS, s. 6.
RULES AND REGULATIONS, s. 7.
SEWERAGE AND WATERWORKS SYSTEMS, ETC., EXTENDING TO FARMS, s. 8.
ASSENT OF ELECTORS NOT REQUIRED, TO BORROWING, s. 9.
POWER TO COMPEL WORK FROM PERSONS COMMITTED, s. 10.
TRANSFER FROM GAOLS, s. 11.
MAINTENANCE OF INDUSTRIAL FARM, s. 12 (1).
In the case of joint farms, s. 12 (2).
MONTHLY REPORTS BY SUPERINTENDENT, s. 13.
STATEMENT OF NAMES OF INMATES, AND APPLICATIONS FOR PAROLE, s. 14.
PROBATION OFFICERS, s. 15.
INSPECTION VISITS AND REPORTS, s. 16.
REPEAL, s. 17.

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Industrial Farms Act.* Short title.

**2.**—(1) The council of a city, or of a county, may pass by-laws for establishing, equipping and maintaining an Industrial Farm, which in the case of a city may be established within or without the limits of the city, and for purchasing the land required for that purpose. Industrial Farms in city or county.

(2) An Industrial Farm may be established in a Provincial Judicial District by the Lieutenant-Governor in Council. In Provisional Judicial District.

**3.** Persons who are convicted of offences against any Act of this Legislature or against a municipal by-law, or who may be lawfully committed to it for offences against the criminal law may be committed to such Industrial Farm or may be transferred from the common gaol to it. Who liable to be committed.

Joint Industrial Farm.

**4.** In lieu of establishing separate Industrial Farms the Councils of two or three contiguous Counties, or the Councils of a City and County, may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement for the establishment, equipment and maintenance of, and may establish, equip and maintain a joint Industrial Farm.

Site and plans must be approved and establishment of Industrial Farm proclaimed.

**5.** An Industrial Farm shall not be established until the site and the plans for the buildings to be erected thereon have been approved by the Lieutenant-Governor in Council on the recommendation of one of the Inspectors of Prisons and Public Charities, and notice of such approval has been published in the *Ontario Gazette*.

Supervision of farms and appointment of Superintendent and Officers.

**6.** The sheriff of the county, district or city for which an Industrial Farm has been established, or, where a joint Industrial Farm has been established, the sheriff of the county in which it is located shall have the supervision of the Industrial Farm, and shall, with the approval of the Lieutenant-Governor in Council, appoint a Superintendent and such other persons as may be required for its care and management, at such salaries, and with such privileges, as may be fixed by the Lieutenant-Governor in Council.

Rules and regulations by Order-in-Council.

**7.** Rules and Regulations for the government and conduct of Industrial Farms, and the care of the inmates, may be made by the Lieutenant-Governor in Council.

Agreements for extending sewerage system to Industrial Farm.

**8.**—(1) The Council of a City or County which has established an Industrial Farm, and the Council of another Municipality may from time to time enter into agreements for connecting the Industrial Farm with the sewerage system of such municipality, and may pass all by-laws and do all things necessary to carry the agreement into effect. 4 Edw. VII., c. 37, s. 1. (*Re-drafted.*)

Contracts for supplying water and electric light and power.

(2) The Council of a City or County may also contract with the Hydro-Electric Power Commission, or with any Municipal Corporation, company or individual, owning or operating a waterworks system or works for the production and supply of electricity for light, heat or power in such City or Municipality, for the supply of water for domestic purposes and for fire protection, or of electricity for light, heat or power purposes at the Industrial Farm. 4 Edw. VII., c. 37, s. 2. (*Amended.*)

Power to carry necessary works over intervening lands.

(3) For the purpose of connecting such Industrial Farm with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the

the corporation of such city or county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such Industrial Farm and the point of connection; and may dig up such lands and highways, and construct sewers and lay down any pipes and place all necessary poles, wires and appliances and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Consolidated Municipal Act, 1903*. 4 Edw. VII., c. 37, s. 3. (*Part Amended.*) 3 Edw. VII. c. 19.

Powers of corporations establishing a joint industrial farm.

(4) Where two or more Municipal Corporations have established a joint Industrial Farm, they shall have, in respect of such Industrial Farm, all the powers conferred upon the Council of a City or County by this section. (*New.*)

Assent of electors to borrowing for Industrial Farm not required.

**9**. It shall not be necessary to obtain the assent of the electors to a By-law for raising such sums as may be required for the purchase of a site or the erection or equipment of buildings for an Industrial Farm, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings or equipment, or for the purpose of any works authorized by section 7, but the amount owing, in respect of the same, shall not at any time exceed $50,000. 4 Edw. VII., c. 37, s. 4. (*Re-drafted.*)

Power to compel persons sent to Industrial Farm to work.

**10**. The regulations may provide for requiring every person sent to the Industrial Farm to perform such work or service, at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured or produced therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife, children or other dependent members of his family, or for the general maintenance of the Industrial Farm, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him upon his discharge. 3 Edw. VII., c. 19, s. 524 (3). (*Amended.*)

Sheriff may transfer from gaols.

**11**. The Sheriff having the supervision of an Industrial Farm may transfer from the common gaol to the Industrial Farm, any person who, by section 3, may be committed to an Industrial Farm. (*New.*)

Cost of maintenance of Industrial Farm.

**12**.—(1) The cost of the maintenance of an Industrial Farm, including the salaries of the Superintendent and the officers and servants thereof, and of the persons committed to it, and all other expenses incidental thereto, and to the transfer of persons to it, shall be paid and borne in the same manner and by the same corporations, and in the same proportions

portions between them as if the Industrial Farm were a common gaol.

In the case of joint farms.

(2) In the case of a joint Industrial Farm, the corporations by which it is established shall provide by the agreement as to the proportions in which the costs and expenses mentioned in subsection 1, shall be borne by them respectively, and by which of them they shall be paid in the first instance, and the terms of any such agreement may be varied from time to time as occasion may require; and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Consolidated Municipal Act, 1903*; but no such variation, except by agreement shall be made oftener than once in every five years. (*New.*)

3 Edw. VII. c. 19.

Monthly reports by Superintendent.

**13**. The Superintendent of every Industrial Farm shall on the first day of each month transmit by registered post to one of the Inspectors of Prisons and Public Charities a report showing the number of inmates committed to the Industrial Farm during the preceding month, together with such other particulars as he may require. (*New.*)

Submission to Board of Parole.

**14**. The statement shall be promptly forwarded, with the recommendation of one of the Inspectors of Prisons and Public Charities and the Superintendent of the Industrial Farm, to the Ontario Board of Parole for consideration and action thereon. (*New.*)

Probation officers.

**15**. The Council of a City or of a County having an Industrial Farm may pass by-laws appointing Probation Officers who are not connected with any Police Force for the purpose of aiding and assisting in the reform of such persons as may from time to time be discharged on parole from an Industrial Farm under recommendation of the Ontario Board of Parole.

Inspection visits and reports thereon.

**16**. One of the Inspectors of Prisons and Public Charities shall, at least twice in every year, inspect every Industrial Farm, and all books and documents relating to it, and examine into its condition and management, and shall report thereon to the Provincial Secretary, and make such recommendations and suggestions in relation to it, and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the Sheriff, having the supervision of, and to the Clerk of the Council of every municipality having an interest in the Industrial Farm. 6 Edw. VII., c. 58, s. 2.

**17.** Subsections 3 and 7 of section 524 of *The Consolidated Municipal Act, 1903*, chapter 37 of the Acts passed in the 4th year, and chapter 58 of the Acts passed in the 6th year of the reign of His late Majesty King Edward the Seventh are repealed. 3 Edw. VII. c. 19, s. 524, subsecs. 3, 7; 4 Edw. VII. c. 37; 6 Edw. VII. c. 58, repealed.

## CHAPTER 79.

### An Act respecting The Ontario College of Art.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The College of Art Act.*

Interpretation.

**2.** In this Act,

"College."

(*a*) "College" shall mean The Ontario College of Art.

"Council."

(*b*) "Council" shall mean the council of The Ontario College of Art, constituted as hereinafter provided.

Establishment of College.

**3.** There shall be established at the City of Toronto a College of Art to be known as The Ontario College of Art.

Objects.

**4.** The purposes of the College shall be,

Training students in art.

(*a*) The training of students in the fine arts, including drawing, painting, design, modelling, and sculpture, and in all branches of the applied arts in the more artistic trades and manufactures; and,

And teachers.

(*b*) The training of teachers in the fine and applied arts.

Council.

**5.** The control and management of the College shall be vested in a council, which shall be a body corporate by the name of the Council of The Ontario College of Art.

How composed.

**6.** The Council shall consist of members to be appointed as follows:—

Certain bodies to appoint two members each.

(*a*) The Art Museum, The Ontario Society of Artists and the Canadian Art Club, The Canadian Manufacturers'

Manufacturers' Association, and the Trades and Labour Council of the city of Toronto, shall each appoint two members;

Certain bodies to appoint one member each.

(*b*) The Senate of the University of Toronto, The Municipal Council of the City of Toronto, The Canadian National Exhibition, The Graphic Arts Society, The Toronto Society of Architects, The Ontario Association of Architects, the Applied Arts Society, and the Toronto Camera Club shall each appoint one member; and

Five other members.

(*c*) The persons so appointed shall appoint five other persons, none of whom shall be a member of any of the corporations or associations mentioned in clauses (*a*) and (*b*), but who are considered by the appointing body, specially interested in art education.

Term of office.

**7.** The members of the Council shall hold office for two years from the date of their appointment and until their successors are appointed.

Vacancies in Council among members appointed under s. 6, clauses *a*, *b*.

**8.**—(1) If a vacancy occurs among the members appointed as provided under clauses (*a*) and (*b*) of section 6, it shall be filled by the corporation or association appointing the member whose seat has become vacant.

Among members appointed by them.

(2) If a vacancy occurs among the members appointed under clause (*c*) of section 6, it shall be filled by the Council from the class of persons mentioned in the said clause.

Term of office of member filling vacancy.

(3) Any person appointed to fill a vacancy shall hold office for the remainder of the term for which the member whose seat he is appointed to fill was appointed.

Vacating seat for absence.

(4) If a member of the Council absents himself from three consecutive meetings without being authorized by resolution, entered upon the minutes, he shall *ipso facto* vacate his seat.

Failure to appoint representatives.

**9.** If any of the corporations or associations whose representation is provided for in section 6, and in subsection 1 of section 8, does not avail itself of the provisions of said sections at its first meeting after notification by the Council, or if any such corporation or association ceases to exist, the members of the council then in office may elect other representatives of Art interests in their place and stead, who are not members of the other corporations or associations whose representation is provided for in section 6.

Notice to make first appointments.

**10**. Forthwith after the passing of this Act the President of the Central Ontario School of Art and Design shall send notice by registered post to the corporations and associations mentioned in clauses (*a*) and (*b*) of section 6, and the said corporations and associations shall make the first appointment of members of the Council on or before the 15th day of May, 1912, and shall give notice thereof forthwith by registered post to the said President.

Meeting to appoint members under s. 6 (*c*).

**11**. The said President shall call a meeting of the members of the Council appointed under section 9 to be held at such time and place in the City of Toronto during the month of June, 1912, as he may deem convenient, and notice of such meeting shall be given by advertisement, published at least once in a newspaper, published in the city of Toronto, not less than seven nor more than fifteen days before the date of the meeting.

Proceedings at meeting.

**12**. The said President shall preside at such meeting and the members present shall proceed to make the appointments provided for in clause *c* of section 6.

First meeting of council.

**13**. The first meeting of the Council shall be held on some day in the week following the making of such appointments, at a time and place to be determined upon by the members of the Council present at the meeting mentioned in section 11.

Meetings.

**14**. The Council shall meet at least four times in every year, and one of such meetings, to be called the annual meeting, shall be held in the month of June, upon such date as may be fixed by the by-laws of the Council.

Quorum.

**15**. Five members of the Council shall form a quorum.

Chairman, Vice-Chairman and Honorary Treasurer.

**16**. The Council shall elect at its annual meeting from among its members a Chairman, Vice-chairman and an Honorary Treasurer.

Who to preside.

**17**. The Chairman, or in his absence the Vice-chairman, shall preside at all meetings, and if neither the Chairman or Vice-chairman is present, the members present shall choose a chairman of the meeting from among themselves.

Control of college.

**18**. The Council shall have the control and government of the College and shall appoint a principal and a secretary and the teachers, instructors, lecturers, officers, clerks and servants, and shall fix their remuneration and determine their duties.

Principal to be chief executive officer.

**19**. The Principal of the College shall be the chief executive officer and subject to the regulations of the Council shall control the organization and management of the College.

Authorizing corporations or associations to appoint members to council.

**20**. The Council by resolution, to be entered on the minutes, may authorize any corporation or association hereafter established in Ontario for Art purposes, to appoint not more than two members of the Council to represent such corporation or association thereon and the provisions of this Act as to members appointed under clauses *a* and *b* of section 6 and the filling of vacancies among such members shall thereafter apply to the member or members appointed by the corporation or association.

Auditors.

**21**. At its first meeting and thereafter at its annual meeting the Council shall appoint for the ensuing year one or more auditors who shall be chartered accountants, and whose duties shall be to examine all books, accounts and vouchers of the Council and report on them at the next annual meeting.

Diplomas and certificates.

**22**. Subject to the by-laws of the Council determining the courses of study and examinations, the Council may confer upon students of the College the diploma of "Associate of the Ontario College of Art," and the right to affix the letters A.O.C.A. after their names, and may also issue other certificates of proficiency, as may be provided for by the by-laws.

Arrangements with Department of Education.

**23**. The Council may arrange with the Department of Education of Ontario for courses and examinations for teachers of art and supervisors or art instructors in the schools of the Province.

By-laws.

**24**. The Council may make by-laws providing for:—

Dates of meetings.

(*a*) The dates at which meetings shall be held;

Procedure.

(*b*) The conduct of meetings and the establishment of committees and the conduct of their business;

Courses of study, fees, etc.

(*c*) The prescription of the courses of study and examination and the fees payable by students;

Diplomas.

(*d*) Regulations for the awarding of diplomas and other certificates of the College;

Scholarships and exhibitions of work.

(*e*) The establishment of scholarships and the exhibition of the work of the students, and generally to do all things necessary for carrying out the true object and intent of the College.

Grants from municipalities

**25.** The corporation of any municipality may make grants in aid of the College of such sums as the council of the municipality may deem expedient, and may make provision for the maintenance of pupils at the college who reside in or are the children of residents of the municipality.

Council may purchase or receive gifts, etc., of property.

**26.** The Council may purchase, acquire, take by gift, devise or bequest and hold such real and personal property as it may deem necessary for the purposes of the College, and may mortgage, sell and otherwise dispose of the same as occasion may require.

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CHAPTER

# CHAPTER 80.

## An Act to provide for the Establishment of a Provincial Museum.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Royal Ontario Museum Act.* Short title.

**2.** In this Act "University" shall mean the University of Toronto. University.

**3.** There shall be established at the City of Toronto a Provincial Museum to be called the Royal Ontario Museum. Provincial Museum.

**4.** The purposes of the Museum shall be— Objects.

(*a*) The collection and exhibition of objects of every kind calculated to illustrate the natural history of Ontario, and thereby to aid in a knowledge of what it is able to contribute to science and industry;

(*b*) The collection and exhibition of objects of any kind calculated to illustrate the natural history of the world and the history of man in all ages;

(*c*) Such other objects as may be authorized by the Lieutenant-Governor in Council.

**5.** The control and management of the Museum shall be vested in a Board of Trustees and the Board shall be a body corporate by the name of the Royal Ontario Museum, and is hereinafter referred to as "The Board." Board of Trustees.

**6.** The Board shall consist of ten members, including the *ex-officio* members. Number of members of Board.

Ex-officio members

**7**. The Minister of Lands, Forests and Mines; the Minister of Education and the Chairman of the Governors of the University shall be *ex-officio* members of the Board, and the other seven members shall be appointed, four by the Lieutenant-Governor in Council and three by the Governors of the University.

Appointed members, term of office

**8**. The appointed members of the Board shall hold office for three years and until their successors are appointed.

Vacancies in Board

**9**. Vacancies in the Board shall be filled in the case of members appointed by the Lieutenant-Governor in Council by the Lieutenant-Governor in Council, and in the case of members appointed by the Governors of the University by the Governors, and any person appointed to fill a vacancy shall hold office for the remainder of the term for which the member whose seat he is appointed to fill was appointed.

Chairman and Vice-Chairman.

**10**. The Board shall elect annually from its members a Chairman and a Vice-Chairman.

Real property.

**11**. The Board may purchase, acquire, take by devise and hold such real property as it may deem necessary for the purposes of the Museum, and may with the sanction of the Lieutenant-Governor in Council mortgage, sell and dispose of the same as occasion may require.

Lands vested in Board.

**12**. The lands hereinafter mentioned, which are now vested in the Governors of the University shall be, and they are hereby vested in the Board for the purposes of a site for the Museum; that is to say: Lots numbers 1 and 2 on the south side of Bloor Street, in the City of Toronto, according to registered plan, Number 452E, made by Messieurs. Speight and Van Nostrand, Ontario Land Surveyors, for the Governors of the University of Toronto, subject to the right, which is hereby reserved, to the Governors of the University of Toronto, their successors and assigns at all times to maintain and operate the tunnels passing through the said lands and the works connected therewith constructed for the purpose of their power plant and to keep them in repair, and the right at all times as occasion may require to enter upon the said lands and the buildings thereon for the purpose of inspecting, maintaining and repairing such tunnels and works and to do all things which may be necessary or convenient for that purpose.

Transfer of museum in Education Department.

**13**. The Lieutenant-Governor in Council may direct that the objects contained in the Museum of the Department of Education be transferred to the Board on such terms and conditions as he may prescribe.

Donation to Board.

**14**. The Governors of the University and the governing body of any University or College federated or affiliated with the University and any Corporation may donate to the Board, or may transfer to it on such terms and conditions as may be agreed on, any objects of the character mentioned in Section 4, which are possessed by the University, College or Corporation.

Grant from University of Toronto.

**15**.—(1) The Governors of the University may provide, out of the endowment of the University or by borrowing on the security of it, or under the provisions of *The University Act, 1907,* a sum sufficient for the erection, equipment and furnishing of such buildings as the Board may deem necessary for the purposes of the Museum, not exceeding in the whole $400,000.

Repayment by Province.

(2) One-half of the sum so provided, including interest thereon, less $100,000, which has already been repaid, shall be repaid by the Province to the Governors of the University in consecutive annual instalments of not more than $50,000 each, the first of which shall be payable on the 1st day of April, 1913, and the same shall be charged upon the Consolidated Revenue Fund and be paid as directed by the Lieutenant-Governor in Council.

Cost of maintenance.

**16**. The cost of the maintenance of the Museum shall be borne one-half by the Province and one-half by the Governors of the University.

Application of 10 Edw. VII. c. 11, s. 14.

**17**. The Board shall be deemed to be a department of the Government within the meaning of section 14 of *The Ontario Public Works Act,* and for the purposes of that Act.

Exemption from taxation.

**18**. All property vested in the Board shall be exempt from taxation for municipal, school and other purposes.

By-laws, rules and regulations.

**19**. The Board may make by-laws, rules and regulations for the management of the Museum and for the appointment of officers and servants, and such other by-laws as may be deemed necessary for carrying out the objects of this Act and the purposes for which the Museum is established.

Designation of departments.

**20**. The by-laws of the Board may provide that the departments of the Museum be designated the Royal Ontario Museum of ....., designating the department, and that the person having the supervision of a department be called the Director of it; and may determine what shall constitute a department within the meaning of this section.

Annulment of rules by Lieut.-Gov. in Council.

**21**. A certified copy of every such by-law, rule or regulation shall be transmitted to the Provincial Secretary within ten days after the passing of it, and the same, or any part of it may within one month after such transmission be annulled by the Lieutenant-Governor in Council.

Accounts, audit.

**22**.—(1) The accounts of the Board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant-Governor in Council for that purpose.

Report on receipts, expenditures.

(2) The Board shall make an annual report of its transactions to the Lieutenant-Governor in Council, in which shall be set forth in detail the receipts and expenditures for the year ended on the next preceding thirtieth day of June, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant-Governor in Council may from time to time require.

When to be transmitted.

(3) Such report shall be transmitted to the Provincial Secretary on or before the first day of December next, after the close of the year for which it is made, and shall be laid before the Legislative Assembly within the first ten days of its then next session.

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CHAPTER

# CHAPTER 81.

## An Act respecting the Property of Religious Institutions.

*Assented to 16th April, 1912.*


SHORT TITLE, s. 1.
CONVEYANCES FOR SITE OF CHURCH, ETC., TO BE MADE TO TRUSTEES; POWERS OF TRUSTEES, s. 2 (1).
Description of trustees in conveyances, s. 2 (2).
Change of name under which lands have been held, s. 2 (3).
IN METHODIST CHURCH, ss. 3, 5.
CONVEYANCES PRIOR TO 26TH APRIL, 1904, s. 4.
CONVEYANCES TO TRUSTEES BY THEIR COLLECTIVE NAMES, s. 6.
VARYING NUMBER OF TRUSTEES, s. 7.
MORTGAGES, ss. 8, 9.
LEASES, s. 10.
SALES, s. 11.
CONVEYANCE TO TRUSTEES, OF NEW CONGREGATION, s. 12.
CONVEYANCE WHERE CONGREGATIONS UNITE, s. 13.
CONVEYANCE TO DENOMINATIONAL BOARD, s. 14.
ASSENT OF CONGREGATION, s. 15 (1), (2).
Or approval by County Judge, s. 12 (3).
MEETING TO APPOINT TRUSTEES, s. 16.
TWO SOCIETIES DESIROUS OF BUILDING HOUSE FOR UNITED WORSHIP, s. 17.
RECORD OF PROCEEDINGS, s. 18.
TRUSTEES TO EXHIBIT ACCOUNTS AS TO LANDS SOLD AND LEASED, s. 19.
SPECIAL ACTS NOT AFFECTED, s. 20.
JOINT TRUSTEES FOR ADJOINING BURIAL GROUNDS, s. 21.
ASSENT OF CONGREGATIONS, ETC., s. 21 (2).
Evidence of assent, s. 21 (3).
APPLICATION OF ACT TO CHURCH OF ENGLAND IN ONTARIO, s. 22.
RIGHTS EXTENDED TO ROMAN CATHOLICS AND JEWS, ss. 23, 24.
REPEAL, s. 25.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Religious Institutions Act. New.* Short title.

**2.**—(1) Where a religious society or congregation of Christians desires to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, book-store, printing or publishing office, or for any other religious or congregational purpose, such society or congregation may appoint trustees, to whom, and their successors When religious societies desire to take conveyances for site of a church, etc., conveyances may be made to trustees.

Powers of trustees

cessors, to be appointed in such manner as may be specified in the conveyance, the land requisite for all or any of such purposes may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land, and maintain and defend actions for the protection thereof, and of their property therein.

Description of trustees in conveyances

(2) The conveyance to the trustees may be made to them under a collective name, and it shall not be necessary to set out their individual names as parties thereto, provided such names be set out or appear therein by recital or otherwise and shall apply to conveyances heretofore made as well as to those hereafter to be made.

Change of name under which lands have been held.

(3) If the name by which any such religious society or congregation or trustees therefor, have heretofore held or hereafter hold lands under and pursuant to the powers of this Act, has been or shall be changed by such religious society or congregation by by-law or resolution, such change of name shall not prejudice or affect the title of the society or congregation or their trustees to the land. R.S.O. 1897, c. 307, s. 1 (1), (2), (3).

Conveyances to trustees appointed by Quarterly Official Boards of the Methodist Church

**3.**—(1) If a Quarterly Official Board of the Methodist Church, under the discipline of that Church, appoints trustees for the purpose of taking a conveyance of land for any of the purposes mentioned in section 2, the land may be conveyed to the said trustees according to the discipline and usage of such Church, and their successors to be appointed in the manner specified in the conveyance authorized and used by such Church, and the conveyance shall have the same effect as a conveyance made to trustees appointed under subsection 2 of section 2.

Application of section.

(2) This section shall apply to any conveyance to trustees appointed by any such Board or by a Board of any of the Churches which united to form the Methodist Church, executed prior to the 26th day of April, 1904. 4 Edw. VII. c. 36, s. 1.

Conveyances executed prior to the passing of Act.

**4.** Every conveyance executed under this Act, or to trustees appointed by a Quarterly Official Board before the 26th day of April, 1904, shall be as valid and effectual, if the same was registered before the expiration of twelve months after that day, as if registered within twelve months after the execution thereof, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the same lands; but in all cases where any

person

person claiming to hold, or to be entitled to any land included in any such conveyance on account of the omission to register the same, shall, in virtue of such claim, have taken possession of such land before the eighth day of February, 1904, and also in all cases where the persons claiming to hold, or to be entitled to such real property on account of such omission, shall have actually sold or departed with, or shall have actually contracted to sell or depart with such land before the eighth day of February, 1904, the provisions of this section shall not render invalid any right or title to such land, but such right or title shall be taken and adjudged to be as if this Act had not been passed. 4 Edw. VII. c. 36, s. 2 (2).

Rights of persons claiming on account of invalidity of former conveyances.

**5.** Property real or personal may be devised, bequeathed, given or transferred to trustees appointed under the provisions of Schedule "A." of an Act passed in the forty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered eighty-eight for the special use of a congregation by way of endowment or otherwise, and such trustees may receive, hold, use, administer and dispose of such property in accordance with the trusts declared in the will, deed or other instrument creating such trust and not contrary to the rules, regulations or discipline of The Methodist Church, and in the event of failure or partial failure of any of the trusts so declared, such property may be held, used, administered and disposed of in accordance with the purposes and in the manner from time to time provided for by such rules, regulations or discipline.

Property held in trust under model deed of Methodist Church.

**6.** Where trustees, appointed as provided in sections 2 or 3, hold land for the purposes aforesaid or any of them and the religious society or congregation for which they hold the land desire, to take a conveyance of additional land for any of such purposes, whether such additional land adjoins the land already held or not and such religious society or congregation desires the same to be held by the same trustees, the society or congregation or in the case of the Methodist Church the proper Quarterly Official Board may by resolution direct that such land be conveyed to the trustees by their collective name and upon the conveyance being so made, the land shall vest in the trustees for the purposes declared by the conveyance and shall be subject to the provisions of this Act in the same manner as the other land held by the trustees. 8 Edw. VII. c. 33, s. 56.

Conveyance of lands to trustees by their collective names.

**7.**—(1) Any congregation or society of Christians entitled to the benefit of any land held under the provisions of this Act, or otherwise, may by a resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment

Number of trustees may be varied.

appointment of trustees, increase or decrease the number of trustees by the conveyance or otherwise to be appointed for the purpose of holding such land; or may in like manner fix the number of trustees if the conveyance makes no provision as to their number. R.S.O. 1897, c. 307, s. 2.

Notice of meeting required.

(2) No such resolution shall be passed unless at a meeting of which notice has been given in the manner required for a meeting for the election of trustees for such lands, stating that a proposal for increasing, or decreasing or determining, as the case may be, the number of the trustees, will be considered at the meeting. R.S.O. 1897, c. 307, s. 3.

Time when resolution for increase in number to take effect.

(3) If the resolution provides for the appointment of more trustees than are authorized by the conveyance, or more than there are in fact if the number is not limited by the conveyance, the same shall take effect forthwith; and the additional trustees to be appointed may be elected at the meeting at which the resolution is passed or at a subsequent meeting.

Time when resolution for reduction in number to take effect.

(4) If the resolution provides for a smaller number of trustees than the conveyance provides for, the resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees to the number provided for by the resolution; and no other trustee shall be appointed until the number has been reduced below the number authorized by the resolution. R.S.O. 1897, c. 307, s. 4.

Mortgages allowed in certain cases.

**8.**—(1) Where a debt has heretofore been or is hereafter contracted for the building, repairing, extending or improving of a church, chapel, meeting-house, residence for a minister, book-store, printing or publishing office or other building, on land held by trustees for the benefit of any society or congregation in Ontario, or for the purchase of the land on which the same has been or is intended to be erected, the trustees, or a majority of them, may secure the debt or any part thereof by a mortgage upon the land; or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon.

Where church building is not erected on land held by trustees.

(2) The authority conferred by this section, shall extend to any land so held, although the church, or other building, in respect of which the debt is contracted, is not erected on such land. R.S.O. 1897, c. 307, s. 8.

Power to join in mortgage of lands held under separate conveyances.

**9.** In the case of separate but contiguous parcels of land held under separate conveyances by trustees for the same religious society or congregation under this Act, if such parcels of land be so used, occupied, or built upon as to become indivisible except by the removal, alteration, or destruction, in whole or in part, of such user, occupation or building, the trustees of such parcels may join in any mortgage, authorized by the next preceding section. R.S.O. 1897, c. 307, s. 9.

Power to lease.

**10.**—(1) The grantees in trust named in any letters patent from the Crown, or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the letters patent, whereby land is granted for the use of a religious society or congregation and any other trustees for the time being entitled by law to hold lands in trust for the use of a religious society or congregation may lease for any term not exceeding twenty-one years, lands so held by them at such rent and upon such terms as the trustees or a majority of them deem reasonable. R.S.O. 1897, c. 307, s. 10.

Power to agree in leases to renew and pay for improvements by lessee.

(2) In such lease the trustees may covenant or agree for the renewal thereof at the expiration of any or every term of years, for a further term of twenty-one years or a less period, at such rent and on such terms as may then, by the trustees for the time being, be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators or assigns, of the value of any buildings or other improvements which may at the expiration of any term be on the demised premises; and the mode of ascertaining the amount of such rent or the value of such improvements may also be specified in the original lease. R.S.O. 1897, c. 307, s. 11.

Consent of *cestuis que trustent* requisite before leasing; consent, how signified.

(3) The trustees shall not so lease without the consent of the society or congregation for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation, duly called for the purpose; nor shall the trustees lease any land which, at the time of making the lease, is necessary for the purpose of erecting a church or place of worship or other building thereon, or for a burial ground for the society or congregation. R.S.O. 1897, c. 307, s. 12.

Remedies of trustees for rent in arrear.

(4) The trustees may, in their own names, or by any name by which they hold the land, sue or distrain for rent in arrear, and may take all such means for the recovery thereof as landlords are entitled to take. R.S.O. 1897, c. 307, s. 13.

Sales by trustees.

**11.**—(1) Where land held by trustees for the use of a society or congregation becomes unnecessary to be retained for such use, and it is deemed advantageous to sell it, the trustees for the time being may give public notice of an intended sale specifying the premises to be sold and the time and terms of sale; and after publication of the notice once in each week for four successive weeks in a daily or a weekly paper published in or near the place where the land is situate, they may sell the land at public auction according to the notice; but the trustees shall not be obliged to sell, if in their judgment an adequate price is not offered.

Private sales.

(2) The trustees may thereafter sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at the public auction, without the consent of the society or congregation.

Special powers not affected.

(3) This section shall not affect or vary any special powers or trusts for sale contained in any deed or instrument, inconsistent herewith. R.S.O. 1897, c. 307, s. 14; 9 Edw. VII., c. 26, s. 2. *Amended.*

Conveyance to trustees of new congregation.

**12.**—(1) Where land is held by trustees for the use of a religious society or congregation and a separate society or congregation is formed therefrom, the trustees for the time being may convey to the trustees of such separate society or congregation such part of the land as is no longer required for the use of the society or congregation for the use of which it is so held; but no such conveyance shall be made unless and until the assent thereto of such last mentioned society or congregation has been first obtained, or the conveyance is sanctioned in the manner provided by section 15.

As to such conveyance heretofore executed.

(2) Every conveyance heretofore executed to any such separate society or congregation and so assented to or sanctioned shall be as valid and binding as if subsection 1 had been in force at the time such assent or sanction was given and such conveyance was executed; but this subsection shall not apply to a conveyance which is in question in an action pending on the 7th day of March, 1910, or which has heretofore been determined to be invalid, or affect any adverse right or title acquired before that date. 10 Edw. VII. c. 106, s. 1.

Conveyance where congregations unite.

**13.**—(1) Where land is held by trustees for the use of any religious society or congregation, and such society or congregation desires to unite with another society or congregation of the same denomination the trustees for the time being may convey any lands held by them to the trustees of such last mentioned society or congregation; but no such

conveyance

conveyance shall be made unless and until it is assented to or sanctioned in the manner provided by section 15.

Conveyances heretofore made.

(2) Every such conveyance heretofore made shall be as valid and binding as if subsection 1 had been in force at the time such assent or sanction was given and such conveyance was made.

Conveyance to denominational Board

**14.** The trustees of any religious society or congregation may convey the lands belonging to such society or congregation to any incorporated Board of the denomination of which such society or congregation forms part, but no such conveyance shall be made unless and until the assent thereto of such society or congregation has been first obtained or the conveyance is sanctioned in the manner provided by section 15.

Before conveyance *cestuis que trustent* to be notified and sanction obtained.

**15.**—(1) Before any conveyance is executed in pursuance of a public or private sale, the society or congregation for whose use the lands are held shall be duly notified thereof, and its assent obtained to the execution of the deed, and such assent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation duly called for the purpose.

Evidence of.

(2) Such assent shall be held in favour of the grantee, his heirs and assigns to be conclusively attested by the execution of the deed by the chairman at such meeting, or by the official head of such society or congregation, or by some person appointed at such meeting for the purpose; and the person assuming to execute the deed as chairman, official head or appointee, shall be deemed to be such chairman, official head or appointee, as the case may be.

When County Judge may approve of deed.

(3) Instead of such assent it shall be sufficient for the validity of any such conveyance, that the sale be sanctioned and the conveyance approved of by the Judge of the County or District Court of the county or district in which the land is situate. R.S.O. 1897, c. 307, s. 15.

Power to convene public meeting and determine how successors to trustees are to be appointed, or to appoint trustees.

**16.**—(1) Any society or congregation on whose behalf land is now, has been, or hereafter may be held by a trustee or trustees, without the manner of appointing successors being set forth in the grant, conveyance, or devise of such land, or which is or may be entitled to any land, at any time hereafter may assemble in a public meeting duly convened by notice in writing, signed by at least five members of such society or congregation, and affixed to the door of its place of worship, at least eight days previous to the day appointed for holding such meeting; and at such meeting, by the votes of a

majority of the members present, may determine in what manner the successors to such trustee or trustees shall be appointed, or may appoint a trustee or trustees of any land to which the society or congregation is entitled, and determine in what manner their successors in the trust shall be appointed. R.S.O. 1897, c. 307, s. 16.

Upon registration lands of unincorporated bodies to vest in the trustees appointed.

(2) Any land to which the society or congregation is entitled, shall from time to time vest in and be held by the trustee or trustees to be appointed as hereinbefore mentioned, and their successors in the trust, immediately upon the registration of the proceedings without any or further conveyance or instrument. R.S.O. 1897, c. 307, s. 18, *part*.

The case of two societies desirous to build a house of worship.

**17**. Where members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and form prescribed in this Act, and the trustees of the religious societies so united shall have the like powers as are conferred on trustees under this Act, and no others; and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the society or congregation, the trustees under this section shall obtain the sanction or assent of each and every of the religious societies so united, to be ascertained and signified in the manner hereinbefore mentioned. R.S.O. 1897, c. 307, s. 19.

Record of proceedings.

**18**.—(1) A record of the proceedings of every meeting held under this Act, shall be entered in the minute book or other official register of the acts and proceedings of the society or congregation, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the society or congregation, and a copy of such record verified by the affidavit of the chairman or secretary of the meeting, may be recorded in the registry office of the registry division in which the land is situate.

Deposit and registry thereof.

Copy as evidence.

(2) A copy of such proceedings taken from the minute book or other official register of the society or congregation, and certified by the clerk or custodian of the records of the society or congregation, or a copy certified by the registrar of the registry division wherein the same has been registered, shall be *prima facie* evidence of the contents thereof. (*See* R.S.O. 1897, c. 307, ss. 5, 6, and 17.)

Trustees to exhibit accounts as to lands sold and leased.

**19**. Trustees selling or leasing land under the authority of this Act shall, on the first Monday in July in every year, have ready and open for the inspection of the society or congregation which they represent, or of any member thereof, a detailed statement shewing the rents which accrued during the preceding year, and all sums of money whatever in their hands for the use and benefit of the society or congregation, which were in any manner derived from the lands under their control or subject to their management, and also shewing the application of any portion of the money which has been expended on behalf of the society or congregation. R.S.O. 1897, c. 307, s. 22.

This Act not to affect special Acts as to religious bodies.

**20**. This Act shall not repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious society or congregation, but, on the contrary, any of such provisions which differ from or are inconsistent with any of the provisions of this Act shall prevail, and where any additional rights or privileges are conferred by this Act, they shall be construed as supplementary to the provisions contained in any such special Act; and in every case the special trusts or powers of trustees contained in any deed, conveyance, or other instrument, shall not be affected or varied by any of the provisions of this Act. R.S.O. 1897, c. 307, s. 23.

Power to appoint joint trustees for two or more burial grounds which adjoin each other.

**21**.—(1) Whenever any two or more parcels of land adjoining each other, or in the same neighbourhood, are held as sites for burial grounds by different bodies of trustees, whether of the same or different denominations, societies, or congregations, and such trustees think it desirable that such parcels should be vested in one body of trustees, such two or more bodies of trustees, or the majority of each of such bodies, may, by deed, appoint trustees to whom and their successors, to be appointed in such manner as may be specified in such deed, all or any of the lands vested in such appointing bodies of trustees as sites for burial grounds may be conveyed, and such trustees so appointed, and their successors in perpetual succession by the name expressed in the deed, may take, hold and possess the lands thereby or thereafter conveyed to them as a site or sites for a burial ground, and maintain and defend actions for the protection thereof and of their property therein, and the several appointing bodies of trustees may, in or by the same deed of appointment, or by any other deed or deeds, convey and assure all or any of the parcels of land so vested in them respectively to such trustees so appointed and their successors upon, with and

subject

subject to such trusts, powers, limitations and provisions not inconsistent with the purposes of a burial ground as shall by the parties thereto be deemed proper. R.S.O. 1897, c. 307, s. 25.

Assent of congregation or religious body required.

(2) No such deed of appointment of trustees, and no such conveyance or assurance, shall be made or executed by any body, or the majority of any body, of trustees, unless or until the society or congregation for whose use the lands are held is duly notified thereof, and its assent obtained to the execution of such deed of appointment, or of such conveyance or assurance, and such assent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation duly called for the purpose.

Evidence of assent.

(3) Such assent shall be held in favour of such new trustees and their successors to be attested by the execution of the deed by the chairman at such meeting, or by the official head of such society or congregation, or by some person appointed at such meeting for the purpose; and the person assuming to execute the deed as chairman, official head, or appointee, shall be presumed to be such chairman, official head, or appointee, as the case may be. R.S.O. 1897, c. 307, s. 26.

Rights extended to the Church of England.

**22.**—(1) All the rights, powers, and privileges, conferred upon any society or congregation by this Act, shall extend and apply to the Church of England in Ontario, formerly or otherwise called the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Incumbent and church wardens to be trustees within the meaning of Act.

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof, shall, for the purposes of this Act, be deemed to be trustees within the meaning thereof.

Bishop, etc., to be trustees under 3 V. c. 74, s. 16

(3) In cases within section 16 of the Act passed in the third year of the reign of Her late Majesty Queen Victoria, chapter 74, and intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned,* the Bishop, or Parson, Rector or Incumbent, or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed to be a trustee, by whom the like rights and powers of trustees, may be exercised as in the case of such trustees.

(4)

Property vested in the Bishop in trust.

(4) In cases of property vested in the Bishop of any diocese in trust, not covered by the next preceding subsection, the Bishop shall also be deemed to be a trustee by whom the like powers of trustees under this Act may be exercised as in the case of such trustees.

Property vested in the Synod in trust within 7 V. c. 68 and 32 V. c. 51.

(5) In cases of property vested in the synod of any diocese within the Act passed in the 7th year of the reign of Her late Majesty Queen Victoria, chapter 68, intituled *An Act to incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto,* and the Act passed in the 32nd year of the reign of Her late Majesty Queen Victoria, chapter 51, intituled *An Act to incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith,* the synod shall also be deemed to be a trustee, by whom the like rights and powers of trustees under this Act may be exercised as in the case of such trustees; and the powers of the synod under this subsection may be exercised by and through such boards and committees as the synod may, by by-law appoint for that purpose.

How land may be sold or encumbered, consent requisite

(6) Provided that land shall not be sold or leased, mortgaged or otherwise incumbered, under the powers conferred by this Act, except with the consent of the vestry of the church or congregation interested therein, and of the Bishop of the diocese, and the executive committee of the synod of the diocese; and it is hereby declared, that the consent of the vestry, given in accordance with the rules and canons of the said Church, shall be deemed to be the consent of the congregation, and the execution of the conveyance by the Bishop, and by the secretary or secretaries of the synod, or a memorandum of consent indorsed thereon and signed by them, shall, in favour of the grantee, his heirs and assigns, be conclusive evidence of the consent of the Bishop and executive committee. R.S.O. 1897, c. 307, s. 27.

Rights extended to Roman Catholic Church.

**23**. All the rights and privileges conferred upon any religious society or congregation mentioned in section 2 shall extend, in every respect, to the Roman Catholic Church, to be exercised according to the government of that Church. R.S.O. 1897, c. 307, s. 28. *Part.*

Rights extended to Jews.

**24**. All the rights and privileges conferred upon any religious society or congregation mentioned in section 2 have been, since the 7th day of April, 1891, and are hereby extended to and shall apply to any society or congregation of Jews, professing the Jewish religion. R.S.O. 1897, c. 307, s. 28. *Part.*

Repeal

**25.** Chapter 307 of the Revised Statutes, 1897, except section 20 thereof, chapter 36 of the Acts passed in the 4th year, section 56 of chapter 33 of the Acts passed in the 8th year, section 2 of chapter 26 of the Acts passed in the 9th year, and chapter 106 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh, are repealed.

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CHAPTER

# CHAPTER 82.

## An Act respecting Houses of Refuge.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

### PART I.

Short title.

**1.** This Act may be cited as *The Houses of Refuge Act*. *New.*

Counties required to establish houses of refuge.

**2.**—(1) The corporation of every county, which has not already established and erected, shall forthwith establish and erect, and the corporation of every county shall at all times maintain a house of refuge for the reception of persons of the classes described in section 14.

Joint house of refuge.

(2) In lieu of establishing separate houses of refuge, the councils of two or three contiguous counties may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint house of refuge for such counties. 3 Edw. VII. c. 38, s. 1; 5 Edw. VII. c. 13, s. 25; 8 Edw. VII. c. 69, s. 1. *Redrafted.*

Establishment of by city or separated town.

**3.**—(1) The corporation of every city and separated town may establish, erect and maintain a house of refuge for the purposes mentioned in section 2. 3 Edw. VII. c. 19, s. 524 (1). *Part amended.*

Agreement with county as to establishment of.

(2) In lieu of establishing a separate house of refuge, the corporation of a city or separated town may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement with the corporation of the county in which the city or town is territorially

situate

situate, for the establishment, erection and maintenance of, and they may establish, erect and maintain a joint house of refuge for such city or separated town and such county. *New.* (*See* 3 Edw. VII. c. 19, s. 524 (2).)

Location of house of refuge.

(3) In the cases provided for by subsections 1 and 2, the house of refuge may be located within or without the limits of the city or separated town. *New.*

Approval of plans.

**4.** A house of refuge shall not be erected until the plans of it have been approved by one of such Inspectors. 3 Edw. VII. c. 38, s. 3. *Redrafted.*

Boards of management, how composed.

**5.**—(1) Where a county has established or shall hereafter establish a separate house of refuge the council shall appoint two persons, who may be members of the council, and who with the warden shall form a board of management and shall have the management, regulation and control of the house of refuge, subject to the rules and regulations for the government of it and of its inmates made by the council under the authority of section 7.

(2) Where two counties agree to establish a joint house of refuge the councils shall by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management, and where three counties agree to establish a joint house of refuge the board of management shall consist of the wardens of the counties. 3 Edw. VII. c. 38, s. 4. *Amended.*

(3) Where a city or a separated town and a county agree to establish a joint house of refuge the agreement shall provide for the appointment of one person, who with the mayor of the city or town and the warden of the county shall form the board of management. *New.*

Agreement to name corporation to receive grant.

**6.** Where two or more corporations agree to establish a joint house of refuge the agreement shall provide as to the corporation to which any grant made under the provisions of Part II. shall be paid. *New.*

Appointment of officers.

Rules and regulations.

**7.**—(1) The council of a corporation which has established or hereafter establishes a separate house of refuge shall appoint a superintendent, a matron and other officers for its care and management, and prescribe their duties and fix their salaries and make rules and regulations for the government of the house of refuge and of its inmates. 3 Edw. VII. c. 19, s. 524 (1). *Last part redrafted.*

(2)

(2) Except in the case provided for by subsection 1 the duties and powers mentioned in that subsection shall be performed and may be exercised by the Board of Management except as to salaries, which shall be fixed by joint action of the corporations interested. *New.*

Approval of rules and regulations by Lieut.-Gov. in Council.

**8.** The rules and regulations provided for by the next preceding section shall not take effect until approved by the Lieutenant-Governor in Council.

Agreements for extending sewerage system to houses of refuge.

**9.**—(1) The council of a county, which has established a house of refuge, and the council of a city or town may from time to time enter into agreements for connecting the house of refuge with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry the agreement into effect. 4 Edw. VII. c. 37, s. 1. *Redrafted.*

Contracts for supplying water and electric light and power.

(2) The council of the county may also contract with The Hydro-Electric Power Commission or with any municipal corporation, company or individual owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power in such city or town, for the supply of water for domestic purposes and for fire protection, or of electricity for light, heat or power purposes at the house of refuge. 4 Edw. VII. c. 37, s. 2. *Amended.*

Power to carry necessary works over intervening lands.

(3) For the purpose of connecting such house of refuge with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such house of refuge and such city or town; and may dig up such lands and highways, and construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act.* 4 Edw. VII. c. 37, s. 3. *Part amended.*

(4) Where two or more municipal corporations have established a joint house of refuge under the provisions of this Act they shall have, in respect of such house, all the powers conferred upon the council of a county by this section. *New.*

Assent of electors to borrowing for houses of refuge not required.

**10.** It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection of buildings for

for a house of refuge, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any works authorized by section 9, but the amount owing, in respect of the same, shall not at any time exceed $50,000. 4 Edw. VII. c. 37, s. 4. *Redrafted.*

Power to compel persons sent to house of refuge to work.

**11.**—(1) The council or the Board of Management, as the case may be, may provide for requiring every person sent to the house of refuge, to perform such work or service, at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife and children, or for the general maintenance of the house of refuge, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him. 3 Edw. VII. c. 19, s. 524 (3). *Amended.*

Detention of indigent persons.

(2) The council of a county, city, or separated town which has established or joined in establishing under this Act a house of refuge may pass by-laws for committing to and detaining therein indigent persons; and a warrant of committal under the hand of the head of the council and the seal of the corporation shall be sufficient authority to the Superintendent of such house to receive and detain the person mentioned in it until he is discharged under the rules and regulations or by order of any of the Inspectors of Prisons and Public Charities. 3 Edw. VII. c. 19, s. 524 (7). *Amended.*

Transfer of property to corporation by inmates of houses of refuge.

**12.**—(1) Where an inmate of a house of refuge desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the house was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property, and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of six per cent. per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand.

(2)

Approval of transfer by county judge.

(2) No such transfer shall be valid, unless it is executed in the presence of a Judge of the County Court of the County in which the house of refuge is situate, and unless there is endorsed on it a certificate signed by the Judge, that he has examined the grantor, and is satisfied that the transfer is not improvident, and that it was made voluntarily, and that the grantor understood the effect of it, and desired to make the transfer. 3 Edw. VII. c. 19, s. 524 (8). *Redrafted.*

Maintenance of inmates of house of refuge who are possessed of means.

(3) Where an inmate of a house of refuge is or becomes possessed of any real or personal property, out of which the cost of his maintenance or any part of it can be paid, if any sum is due for such maintenance, and has not been paid, a Judge of the County Court of the County in which the house is situate may, on the application of the council of any municipality interested, and upon such notice to the inmate as he may direct, order that any part of such real and personal property be vested in the corporation or corporations by which the house was established for the purpose of securing payment of the cost of the maintenance so due, or which may thereafter become due, with full power to take or recover possession of, manage, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such other order, limiting or extending such powers, as may be deemed proper, due regard being had to the value of the property, and as to what part, if any, of it is necessary for the support and maintenance of the family of the inmate.

Conveyance, mortgage, etc., to be approved by judge.

(4) No conveyance, mortgage, lease or other instrument, purporting to transfer the property, shall be executed by the corporation or corporations until a Judge of the County Court of the County in which the house of refuge is situate shall have signified his approval of it by endorsement thereon.

Transfer to personal representatives.

(5) Upon the death of the inmate, what remains of the property, after the claims thereon are fully paid and satisfied, shall be transferred to his personal representatives. 6 Edw. VII. c. 58, s. 1. *Redrafted.*

What accounts to be kept.

**13.** An account shall be kept of the cost of erecting, keeping, and maintaining the house of refuge, and of all materials furnished therefor, together with the names of the persons received into, and of those discharged from it, and also of the earnings of the inmates, and such other accounts as may be prescribed by the Lieutenant-Governor in Council. 3 Edw. VII. c .19, s. 525. *Redrafted.*

Committal of certain persons.

**14.**—(1) Any person authorized for that purpose by by-law of a corporation which has established or joined in

establishing

establishing a house of refuge may, by writing under his hand, commit to such house of refuge:

(*a*) Poor and indigent persons who are incapable of supporting themselves;

(*b*) Persons without the means of maintaining themselves and able to work, who do not do so. 3 Edw. VII. c. 19, s. 526 (1). *Part amended.*

(*c*) Feeble minded persons not fit subjects for commitment to Hospitals for the Insane, or to Hospitals for Idiots, but for whom special custodial care is necessary. *New.*

Punishment of refractory inmates.

(2) Every inmate of a house of refuge, if able to work, shall be kept diligently employed at labour, and if he does not perform such reasonable task or labour as may be assigned to him, or is stubborn, disobedient, or disorderly, he shall be liable to be punished in accordance with the rules and regulations of the house of refuge. 3 Edw. VII. c. 19, s. 526 (2). *Amended.*

Special provision as to detention of feeble minded female inmate.

**15**. Where the physician having the care of the health of the inmates of a house of refuge certifies that a female inmate between the ages of 16 and 45 years, on account of natural imbecility, is so feeble minded as to render it probable that she would be unable to care for herself if discharged from such house of refuge, she shall not be discharged until such physician, with the approval of one of the Inspectors of Prisons and Public Charities, orders her discharge. *New.*

Prohibition as to children of certain ages.

**16**. No child between the ages of two and sixteen years shall be received, held, boarded or lodged in a house of refuge. R.S.O. 1897, c. 312, s. 8. *Part amended.*

Inspection of houses of refuge.

**17**. One of the Inspectors of Prisons and Public Charities shall, at least once in every year, inspect every house of refuge and all books and documents relating to it, and examine into its sanitary condition, and shall report to the Provincial Secretary as to its management, and make such recommendations and suggestions in relation to it, and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the clerk of the council of every municipality having an interest in the house of refuge. 6 Edw. VII. c. 58, s. 2. *Redrafted.*

PART II.

**18.**—(1) The Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund to every county which establishes a house of refuge under this Act and acquires not less than forty-five acres of land for use and uses it in connection therewith, a sum not exceeding one-fourth of the total amount expended by the corporation for such purpose, but not exceeding $4,000. R.S.O. 1897, c. 312, s. 1. *Redrafted.* Aid to counties establishing houses of refuge.

(2) Where two or more municipal corporations establish a joint house of refuge under this Act and have acquired not less than forty-five acres of land for use and use it in connection therewith, the Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund a like sum to the Corporation designated in the agreement for establishing the house of refuge as the one to which the grant is to be paid. *New.* (*See* R.S.O. 1897, c. 312, s. 2.) Case of joint establishment.

(3) Where there has been paid to a corporation in respect of a house of refuge a sum less than $4,000 and thereafter additional land has been or is acquired for, or additional buildings have been or are erected in extending or improving such house of refuge, the Lieutenant-Governor in Council may direct that there shall be paid to such corporation out of the Consolidated Revenue Fund an amount which added to that already paid to it shall not exceed the sum which may be directed to be paid to a corporation under subsection 1. R.S.O. 1897, c. 312, s. 5. *Part redrafted.* Further grant where corporation paid less than $4,000.

(4) An Order in Council shall not be passed until one of the Inspectors of Prisons and Public Charities has reported that the land and buildings are suitable for the purpose intended and are ready for occupation. R.S.O. 1897, c. 312, s. 6. *Amended.* Report of inspector.

(5) Every Order in Council shall, as soon as conveniently may be, be laid before the Assembly, and no such order shall be operative until it has been ratified by the Assembly. R.S.O. 1897, c. 312, s. 7. *Amended.* Order in Council to be ratified by Assembly

**19.** Chapter 312 of the Revised Statutes of 1897, sections 524 to 526*a* of *The Consolidated Municipal Act, 1903,* chapter 38 of the Acts passed in the 3rd year and chapter 37 of the Acts passed in the 4th year of the reign of His late Majesty King Edward the Seventh, and all amendments to the said sections and Acts, are repealed. Repeal.

CHAPTER

# CHAPTER 83.

## An Act respecting Houses of Refuge in Provisional Judicial Districts.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The District Houses of Refuge Act.*

Interpretation, "District."

**2.** In this Act "District" shall mean a Provisional Judicial District.

How established.

**3.** A House of Refuge may be established, erected and maintained in a District, when a by-law authorizing the same has been passed in a majority of the organized municipalities of such District.

Joint Houses of Refuge.

**4.** Two or more contiguous Districts, when by-laws authorizing the same have been passed in a majority of the organized municipalities in each of such Districts, may agree to unite in establishing a joint House of Refuge.

Approved by Lieutenant-Governor.

Board of management.

**5.** When such by-laws have been passed, certified copies shall be transmitted to the Provincial Secretary for the approval of the Lieutenant-Governor in Council, and, if approved of, a Board of Management shall be appointed as hereinafter provided.

How composed.

**6.**—(1) The Board of Management shall be a corporation and shall consist of two persons resident in the District, and shall be appointed by the Lieutenant-Governor in Council for a term of three years, and in the case of contiguous Districts agreeing to join in a joint House of Refuge, the Board shall consist of two persons resident in each of the Districts appointed by the Lieutenant-Governor in Council for a term of three years.

Term of office.

(2) The members of the Board shall hold office for a term of three years and until their successors are appointed.

**7.** The Board shall select the site for the House of Refuge, which shall be inspected by one of the Inspectors of Prisons and Public Charities and approved by the Lieutenant-Governor in Council. Site for house.

**8.** The Board shall have charge of the erection and maintenance of the House of Refuge, and shall have the same powers as provided for in sections 7 and 8 of *The Houses of Refuge Act*. Erection and maintenance. 2 Geo. V. c. 82.

**9.** The Board shall have the powers which are conferred upon the Council of a County by sections 9, 10, 11, 12, 14, 15 and 16 of *The Houses of Refuge Act*, and the said sections so far as applicable to a house of refuge established by a county shall apply to a house of refuge established under this Act. Powers of County Councils conferred on Boards of management. 2 Geo. V. c. 82.

**10.** The Lieutenant-Governor in Council may direct that there be paid out of the Consolidated Revenue Fund to the Board of each House of Refuge erected in a District, and which has acquired not less than forty-five acres of land and uses it in connection therewith a sum not exceeding four thousand dollars. Grant from Consolidated Revenue Fund to Board of management.

**11.** Where two or more Districts establish a joint House of Refuge under this Act and have acquired one hundred acres of land and use it in connection therewith, the Lieutenant-Governor in Council may direct that there be paid to the Board out of the Consolidated Revenue Fund a sum not exceeding four thousand dollars for each District uniting in the establishment of such joint House of Refuge. In the case of a Joint House.

**12.** The amount of the grant shall not in the case of a House of Refuge established for a District exceed the amount levied and collected in such District for the purpose of the establishment and erection of the House of Refuge, and in the case of a joint House of Refuge the aggregate of the amounts levied and collected for such purpose in the Districts by which the House of Refuge is established. Assessment for maintenance.

**13.**—(1) The cost of establishing, erecting and maintaining a House of Refuge shall be defrayed by the corporations of the organized municipalities in the Districts by which it is established in proportion to the amount of their assessment according to the last revised assessment roll, and by the ratepayers in school sections in unorganized townships in proportion to the amount of the assessment for school purposes. Providing cost of maintenance.

Apportionment of amount

(2) In unorganized townships the amount required to be raised for the purposes of this Act shall be apportioned by the Board among the different school sections in proportion to their respective assessments for school purposes, and shall be assessed, levied and collected by the same persons, in the same manner and at the same times as rates for school purposes, and shall when collected be paid over to the Board; and the provisions of law with respect to school taxes in unorganized townships shall, so far as practicable, apply *mutatis mutandis* to the rates levied under this Act.

In unorganized townships, etc.

In organized townships.

(3) The Board shall in each year apportion the amount which it estimates will be required to defray the expenditure for that year among the organized municipalities and school sections liable to pay the same, and shall on or before the 31st day of January notify the clerk of each municipality, and in unorganized townships the secretary of each school board, of the amount to be provided, and each municipality and school section in unorganized municipalities shall pay such amount to the Board on demand, and shall include the same in its estimates for the then current year, and levy and collect the same in like manner as taxes are levied and collected.

Notice of amount to be provided.

Aid from Legislative grants. 2 Geo. V. c. 85. Rate

**14**. A House of Refuge established under this Act shall be entitled to receive aid under *The Hospitals and Charitable Institutions Act,* at the rate of seven cents per day for each inmate while he is maintained therein.

Accounts to be submitted and audited.

**15**. The accounts of a House of Refuge shall be submitted quarterly to one of the Inspectors of Prisons and Public Charities, and audited in the same manner as accounts relating to the Administration of Justice in Districts.

CHAPTER

## CHAPTER 84.

## An Act to amend an Act respecting the Toronto General Hospital.

*Assented to 16th April, 1912.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Geo. V. c. 80, s. 4. amended.

**1.** Section 4 of the Act passed in the first year of His Majesty's reign, chaptered 80, is amended by striking out the word and figure "paragraph 7," in the third line thereof and substituting therefor the words and figures "paragraphs 1, 2, 3 and 7."

# CHAPTER 85.

## An Act relating to Hospitals and Charitable Institutions.

*Assented to 16th April, 1912.*


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PUBLIC HOSPITALS AND CHARITABLE INSTITUTIONS, ss. 1-22.
- Mode of distributing aid, s. 2.
- Conditions to be complied with ss. 3-5.
- Restrictions as to paying patients, s. 6.
- How amount to be calculated, s. 7.
- Limiting number of days' stay, s. 8.
- Treasurer of Province to pay amounts, s. 9.

RETURNS, s. 10.
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POWERS AND DUTIES OF INSPECTOR, ss. 12, 13.

INSTITUTIONS TO RECEIVE AID TO BE DESIGNATED BY ORDER IN COUNCIL, s. 14.

AID MAY BE DISCONTINUED, ss. 15, 21.

APPROVAL OF BY-LAWS FOR INSTITUTIONS, s. 16.

CLINICAL INSTRUCTION, s. 17.

REGISTRATION OF NURSES, s. 18.

CONSUMPTIVES, ADMISSION OF, s. 19.

REFUSAL OF ADMISSION TO PATIENTS HAVING COMMUNICABLE DISEASE, s. 20.

WITHDRAWAL OF AID ON CONTRAVENTION OF SECTIONS 19 OR 20, s. 21.

RIGHTS OF HOSPITAL BOARDS TO TAKE LANDS, s. 22.

MUNICIPAL GRANTS IN RESPECT OF INDIGENT PERSONS, ss. 23, 24.

LIABILITY OF PATIENT TO MUNICIPALITY, s. 25.

PART II.

PRIVATE HOSPITALS.

INTERPRETATION OF PART II., s. 26.

LICENSE FOR HOSPITAL, s. 27.
- Application for, s. 28.
- Conditions of granting, s. 29.
- Kinds of hospitals, s. 30.
- Annual fee, s. 31.
- Continuation, notwithstanding death, s. 32.
- Transfer, ss. 33, 34.
- Revocation, s. 35.

STRUCTURAL ALTERATIONS OF PREMISES, PLANS OF, s. 36.

SUPERINTENDENT, ss. 37, 43.

REGISTER OF PATIENTS, s. 38.

VISITATION AND INSPECTIONS, ss. 39, 40.

USE OF HOSPITALS FOR AUTHORIZED PURPOSES ONLY, ss. 41, 42.

SUPERINTENDENT DEEMED TO BE OCCUPIER, s. 43.

RECOVERY OF PENALTIES, s. 44.

ONUS OF PROOF, s. 45.

REPEAL, s. 46.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Hospitals and Charitable Institutions Act.* R.S.O. 1897, c. 320, s. 1.

PART

## PART I.

PUBLIC HOSPITALS AND CHARITABLE INSTITUTIONS.

Mode of distributing aid under Act.

**2.** All money appropriated by this Legislature for the purposes of this Act shall be distributed as follows—

(1) For every Public Hospital, a per diem rate, fixed from time to time by the Lieutenant-Governor in Council upon the basis of the number of days' actual treatment and stay of each patient admitted to or being within the hospital during the calendar year next preceding the year for which such aid is given.

(2) For every refuge on the list of such institutions entitled to receive aid 7 cents for each day's actual maintenance therein of any indigent person during the calendar year preceding that for which the aid is given.

(3) For every orphanage or infants' home on the list of such institutions entitled to receive aid 2 cents for each day's actual maintenance therein of any orphan or neglected or abandoned child during the calendar year next preceding that for which aid is given, and in the case of an infant under one year of age while being nursed by its mother at such orphanage or infants' home, 7 cents per day for each day's maintenance.

(4) For every such orphanage or infants' home 7 cents per day for each day's actual maintenance of any adult, friendless and indigent female cared for therein during the calendar year next preceding that for which aid is given. 63 V. c. 58, s. 1.

Conditions to be complied with.

**3.** Every grant made under the authority of the next preceding section shall be conditional upon compliance with the requirements of this Act and of all regulations made thereunder by the Lieutenant-Governor in Council and shall be subject to the restrictions hereinafter contained. 63 V. c. 58, s. 1.

No aid to be granted when receipts exceed cost of maintenance.

**4.** Where the receipts of any hospital, refuge, orphanage or infants' home are equal to or exceed, without reckoning any aid received under this Act, the expenditure for maintenance of patients or inmates no aid shall be granted to such institution under this Act, unless the Lieutenant-Governor in Council otherwise directs. 63 V. c. 58, s. 1.

Limit of annual grant.

**5**. The aid granted to any hospital or refuge under this Act, except in unorganized districts, unless the Lieutenant-Governor in Council otherwise directs, shall not for any year exceed the amount of the municipal grant for its maintenance during that year. (*New*).

Aid not to be granted as to paying patients.

**6**.—(1) No hospital shall be entitled to receive aid in respect of paying patients admitted to or being within it.

Who may be deemed paying patients.

(2) Every person admitted to, or being within any such hospital who pays, or for whom there is paid, to such hospital from any source, other than the public funds or money of the Province, or of a municipal corporation, a weekly sum in excess of $7.00 shall be deemed a paying patient.

No aid to hospital in same municipality where one already aided.

(3) No aid shall be paid to any hospital which is hereafter established in any municipality in which a hospital already exists and is in operation, unless such additional hospital is established with the approval of the Lieutenant-Governor in Council.

Application of sub-sections 1 and 2.

(4) Subsections 1 and 2 shall not apply to a hospital which has not received aid for a period of ten years. R.S.O. 1897, c. 320, s. 5; 4 Edw. VII. c. 38, s. 1; 7 Edw. VII. c. 23, s. 30.

How amount to be calculated.

**7**. In calculating the amount of the aid the day of departure of any patient or person shall not be included. R.S.O. 1897, c. 320, s. 6.

Limiting number of days' stay in institutions.

**8**.—(1) The Lieutenant-Governor in Council may limit the number of days' stay of different classes of patients or inmates for which aid may be given.

Order in Council to be laid before Assembly.

(2) Every Order in Council made under the authority of this section shall be laid before the Assembly as soon as conveniently may be. R.S.O. 1897, c. 320, s. 7.

Treasurer of Province to pay over amounts.

**9**. The Treasurer of Ontario, with the authority of the Lieutenant-Governor in Council, may, from any money appropriated for that purpose, pay at such times in every year as the Lieutenant-Governor in Council deems fit, to any institution entitled to receive aid under this Act, the sums to which it is entitled. R.S.O. 1897, c. 320, s. 9 (1); 63 V. c. 58, s. 2.

**10**. The Lieutenant-Governor in Council may fix and direct the particulars to be contained in, and the form, manner and time of making and mode of verification of

such

such returns as may seem proper for the due carrying out of the provisions of this Act. R.S.O. 1897, c. 320, s. 11. Returns.

**11**. Any person who knowingly makes, or is a party to the making or procuring to be made, directly or indirectly, of any false return, shall incur a penalty of $1,000, which may be recovered, with costs, by action at the suit of the Crown only. R.S.O. 1897, c. 320, s. 12. Penalty in case of false return.

**12**. One of the Inspectors of Prisons and Public Charities, designated for that purpose by the Lieutenant-Governor in Council, shall be the Inspector of the institutions receiving aid under this Act. R.S.O. 1897, c. 320, s. 13. Inspector.

**13**. The Inspector shall, from time to time, visit and inspect every such institution, and shall make all proper inquiries as to the maintenance, management and affairs thereof; and by examination of the registers and such other means as he may deem necessary, verify any return which has been made, and shall report thereon to the Lieutenant-Governor in Council. R.S.O. 1897, c. 320, s. 14. Duties of Inspector.

**14**.—(1) The Lieutenant-Governor in Council may designate the hospitals, refuges, orphanages and infants' homes to which aid may be granted; but no institution shall be so designated, unless the Inspector reports that it has all the proper requirements for one of its nature and objects, and that it ought to be aided under this Act. R.S.O. 1897, c. 320, s. 15 (1), *re-drafted.* Institutions to receive aid to be designated by Order in Council upon report of the Inspector.

(2) The Order in Council shall be laid before the Assembly as soon as conveniently may be, and shall not be operative unless and until it has been ratified by the Assembly. R.S.O. 1897, c. 320, s. 15 (2), (3). Order in Council to be submitted to the Assembly.

**15**. The Lieutenant-Governor in Council may, upon the report of the Inspector that any hospital, refuge, orphanage or infants' home is insufficient, or without the necessary and proper accommodation or requirements for one of its nature and objects, direct that any institution receiving aid shall not thereafter receive aid, and thereupon, and whilst the order in terms remains unrevoked, such institution shall not be entitled to, or receive, further aid, but upon the report of the Inspector he may revoke the order and may also, if he sees fit, direct that the institution shall receive aid for the period or any part of which the first named Order in Council was in force. R.S.O. 1897, c. 320, s. 16. Aid may be discontinued

**16**. No by-laws or regulations of the trustees or other governing body having the control or management of any hospital, refuge, orphanage, or infants' home, receiving aid Managers of institutions to make by-laws and submit same to Lieutenant-Governor in Council.

for

for the government and management of such institution, or for prescribing the method and terms of admission thereto, or defining and regulating the duties and powers of the officers and servants thereof, and the salaries of such officers and servants shall have force or effect unless and until approved by the Lieutenant-Governor in Council, upon the report of the Inspector. R.S.O. 1897, c. 320, s. 17; 63 V. c. 58, s. 4.

Facilities to be provided for clinical instruction in hospitals.

**17.**—(1) Every hospital receiving aid under this Act shall provide reasonable facilities for giving by such of its staff as may be designated Professors and members of the teaching staff of the Medical Faculty of any University, situate in or near to the place in which the hospital is situate, clinical instruction in the public wards thereof to the medical students of such University, and if the authorities of the hospital and of the University are unable to agree as to the nature and extent of the facilities to be granted, or the regulations under which they are to be made use of, the same shall be determined by the Lieutenant-Governor in Council. (*New*).

Existing agreement between university and hospital.

(2) Nothing in this section shall prejudice or interfere with any agreement existing between any university and any hospital.

Registration of Nurses.

**18.** Training Schools for Nurses may be conducted at hospitals receiving aid under this Act, and when such regulations in relation thereto as may be prescribed by the Lieutenant-Governor in Council have been observed graduate nurses of such Training Schools may be entitled to registration in a Register kept for that purpose under the direction of the Provincial Secretary, and a person so registered may be designated a registered nurse.

Hospitals to admit consumptives.

**19.** No hospital receiving aid, shall refuse to admit and care for a patient having tubercular disease. (*New*).

Only patients having communicable diseases can be refused. 2 Geo. V. c. 58.

**20.** No hospital receiving aid shall refuse to admit and care for any sick person brought to it while suffering from any disease other than a communicable disease, notice of which is by *The Public Health Act,* or by the regulations thereunder, required to be placarded. (*New*).

Withdrawal of aid on contravention of sections 19 or 20.

**21.** If a contravention of either of the next preceding two sections is reported to the Inspector, and if on investigation the report is found to be correct, the aid may be withdrawn in the manner provided by section 15, and shall not be restored, except in the manner provided by that section. (*New*).

Right to take lands.

**22.**—(1) The trustees or other governing body of any hospital receiving aid may expropriate any land, adjacent to the hospital for the purpose of enlarging it. (*New.*)

(2)

Right not to be exercised until approved.

(2) The power conferred by subsection 1, shall not be exercised unless the Inspector reports that it is necessary for the purposes of the hospital and approves of the plans of additions and improvements for which the land is required, and his report is approved by the Lieutenant-Governor in Council. (*New.*)

Powers of expropriation.

3 Edw. VII. c. 19.

(3) For the purposes of this section the trustees or other governing body of the hospital shall have all the powers conferred upon municipal corporations by *The Consolidated Municipal Act, 1903*, as to acquiring, entering upon, taking and using land required for the use of such corporations and sections 437 to 467 of that Act, shall, *mutatis mutandis*, apply to such trustees or other governing body, as if they had been named therein instead of a municipal corporation, and as if the superintendent of the hospital had been named therein instead of the clerk of the municipality. (*New.*)

Burial expenses.

**23.**—(1) The corporation of the municipality in which an indigent person admitted to a hospital receiving aid under this Act is at the time of his admission resident shall be liable to pay to the governing body of the hospital the charges for his treatment, and, in the case of his death, his burial expenses not exceeding $15.

Municipal grants to hospitals under agreement, as to indigent patients.

3 Edw. VII. c. 19.

(2) A municipal corporation may, as provided for in section 588 of *The Consolidated Municipal Act, 1903*, agree with the trustees or other governing body of the hospital to pay a fixed annual grant in lieu of its liability for the maintenance of the indigent patients admitted to such hospital from the municipality. (*New.*)

When no agreement notice to clerk of municipality from which patient came.

(3) Where there is no such agreement, and an indigent person is admitted as a patient to any hospital receiving aid under this Act, the superintendent of such hospital shall by registered post notify the clerk of the municipality of which such patient represents himself as being a resident, that he has been admitted to the hospital, giving such particulars as may be ascertainable to enable the clerk to identify the patient. (*New.*)

Residence admitted.

(4) Unless the clerk within fourteen days after the mailing of such notice notifies the superintendent of the hospital by registered post that such patient is not a resident of that municipality, he shall be deemed to be a resident of it. (*New.*)

Recovery of charge from municipality.

(5) Upon the discharge or death of a patient, who was, or under subsection 3, is deemed to have been a resident of

the

the municipality at the time of his admission, the superintendent of the hospital shall give notice thereof by registered post to the clerk of the municipality, and shall furnish a statement of the claim of the hospital in respect of such patient, and the corporation of the municipality shall be liable for and shall pay the amount of such claim. (*New.*)

Patients from unorganized townships

(6) Where a patient is admitted to a hospital from territory without municipal organization, in which he was employed immediately prior to his admission to the hospital, the superintendent shall notify his employer in the same manner as provided for in subsection 3, and such employer shall be liable for the maintenance of the patient. (*New.*)

Patients under medical contract

(7) Every employer of labour having more than ten persons in his employ and having a contract for the medical and surgical care of his employees shall be liable for the maintenance of such employee in any Public Hospital; but not at a higher rate than the actual cost per day for maintenance at such hospital. (*New*).

Limitation of charge for indigent patient.

**24**. No hospital shall charge against a municipal corporation for the maintenance of an indigent patient a higher rate than $1.00 per day. (*New.*)

Liability of patient or his estate to municipality.

**25**. Upon payment by a municipal corporation of the charges of a hospital for the treatment or burial of a patient such patient or his executors or administrators shall be liable for the amount so paid, as for a debt due to such municipal corporation. (*New.*)

## PART II.

### PRIVATE HOSPITALS.

Interpretation.

**26**. In this Part,

"House."

"House" shall include any building, tent, or other structure, whether permanent or temporary, intended for human habitation; and where there are two or more such structures in the occupation of the same person, and situate on the same piece of land, they shall be deemed to constitute a single house within the meaning of this Act;

"Maternity hospital."

"Maternity hospital" shall mean a private hospital for the reception and care of patients in or in respect of childbirth;

"Medical and surgical hospital."

"Medical and surgical hospital" shall mean a private hospital for the reception of any class of patients other than those last mentioned;

"Patient."

"Patient" shall mean a person received and lodged in a private hospital;

Private

"Private hospital" shall mean a house in which two or more patients are received and lodged at the same time, other than: "Private hospital."

(*a*) An institution to which Part I applies;

(*b*) A hospital or other establishment wholly or mainly supported by Provincial aid;

(*c*) An institution in respect of which a license under *The Act respecting Private Lunatic Asylums* is in force; R.S.O. 1897, c. 310.

(*d*) An institution for the reclamation and cure of habitual drunkards, established under *The Consolidated Municipal Act, 1903*. (*New*). 3 Edw. VII. c. 19.

**27**.—(1) No house shall be used as a private hospital except under the authority of a license issued by the Provincial Secretary under this Act. License for hospital.

(2) If any house is used as a private hospital in breach of this section, the occupier and all persons concerned in the management of the hospital shall severally incur a penalty not exceeding $25 for every day during which such use is continued. (*New*). Penalty.

**28**.—(1) Every application for a license to keep a private hospital shall be made in writing to the Provincial Secretary, and shall contain the following particulars:— Application for license.

(*a*) The full name, place of abode, and occupation of the applicant;

(*b*) A statement of the estate or interest of the applicant in the house in respect of which the license is desired;

(*c*) A statement of the number of patients proposed to be received in the hospital and in each room or apartment of the hospital;

(*d*) A description of the situation of the hospital;

(*e*) A plan of the hospital on a scale of not less than an eighth of an inch to the foot;

(*f*) A statement of the length, breadth and height of every room and apartment in the hospital, including operating and subsidiary rooms;

(*g*) A statement of the rooms or apartments to be used exclusively by patients, and of those to be used exclusively by the licensee or the superintendent of the hospital or by persons other than patients;

(*h*) A statement of the sanitary arrangements, ventilation, heating and water supply of the hospital;

(*i*) A full description of the fire escapes of the hospital and the facilities provided for use in case of fire;

(*j*) A statement as to the classes of patients proposed to be received into the hospital.

Verification of application.

Fee.

(2) Every such application shall be verified by the statutory declaration of the applicant, and shall be accompanied by a fee of $5. (*New*).

Inspector's approval before license granted.

Provincial Secretary's approval.

**29**. No license shall be granted unless the house is approved by the Inspector as suitable for the purposes indicated in the application, and the Provincial Secretary is satisfied as to the character and fitness of the applicant. (*New*).

Kinds of licensed private hospitals.

**30**.—(1) Every licensed hospital shall, according to the tenor of the license issued in respect thereof, be either—

Maternity.

(*a*) A licensed maternity hospital; or

Medical.

(*b*) A licensed medical and surgical hospital; or

Maternity and medical.

(*c*) A hospital licensed both as a maternity and as a medical and surgical hospital.

Number of patients.

(2) Every license shall state the maximum number of patients who may be received and lodged in the hospital at any one time.

Limitation of patients.

(3) A license may be limited to the reception of any particular class or classes of patients.

License in force until revoked.

(4) Every license shall continue in force until revoked in accordance with this Act. (*New*).

Annual fee by licensee.

**31**. A licensee shall, in the month of December in each year, pay to the Provincial Secretary a fee of $5 for the continuance of the license. (*New*).

Continuation of license notwithstanding death of one of joint licensees.

**32**. When a license has been issued to two or more persons jointly, and during the currency thereof any of those persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. (*New*).

Transfer of license upon application of licensee.

**33**. On the application in writing signed by the licensee and by any person to whom he desires that his license shall be transferred, the Provincial Secretary may, by indorsement on the license or otherwise in writing, transfer the license to that person, and thereupon that person shall become the licensee of the hospital, with the same rights and obligations as if the license had been granted to him. (*New*).

Transfer or revocation of license upon death of licensee.

**34**.—(1) If the licensee or the sole surviving licensee dies, the Provincial Secretary may, by indorsement on the license or otherwise in writing, transfer the license to any person nominated by the executors or administrators of the deceased licensee, and that person shall thereupon become the licensee of the hospital, with the same rights and obligations as if the license had been granted to him.

Continuation of license until revoked.

(2) Unless and until the license is revoked under this section or under section 35, the hospital shall continue to be a licensed hospital, and the superintendent and other officers shall be deemed for the purposes of this Act to continue in office in the same manner as if the licensee were still living.

If no transfer within two months, license to be revoked.

(3) If the license is not transferred under the authority of this section within two months after the death of the licensee or of the sole surviving licensee, the Provincial Secretary may, by writing under his hand, revoke the license, and notice of the revocation shall be published in the *Ontario Gazette*. (*New*).

Revocation of license.

**35**.—(1) A license may at any time be revoked by the Provincial Secretary, if:—

Default in payment of license fee.

(*a*) The licensee has made default for three months in paying the annual license fee;

Conviction of offences against Act.

(*b*) The licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment, or if;

Premises unsanitary.

(*c*) In the opinion of the Inspector the hospital premises are unsanitary or without proper fire protection, or the hospital is managed or conducted in such a manner that the revocation of the license is required in the public interest.

(2)

Notice to licensee

(2) Before a license is revoked, the Provincial Secretary shall give notice to the licensee or superintendent of the ground on which it is proposed to revoke the license, and shall afford to him an opportunity of showing cause why the license should not be revoked.

Service of notice.

(3) Any such notice may be given to the licensee or superintendent, either personally or by leaving it at the hospital with an officer or employee thereof, and the revocation shall be effected by writing, under the hand of the Provincial Secretary, and notice of the revocation shall be published in the *Ontario Gazette*.

Decision of Provincial Secretary final.

(4) The decision of the Provincial Secretary as to the revocation of a license shall be final and conclusive, and shall not be questioned in any Court or in any proceeding. (*New*).

Inspector to approve plans of structural alterations

**36.**—(1) No structural alteration of or addition to any licensed hospital shall be made until a plan of the proposed alteration or addition has been given to and approved by the Inspector.

Penalty.

(2) If any alteration or addition is made in breach of this section, the licensee shall incur a penalty not exceeding $100. (*New*).

Superintendent of licensed hospital

**37.**—(1) For every licensed hospital there shall at all times be a superintendent, resident on the premises, who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a trained graduate nurse.

Inspector's approval.

(2) No person other than a licensee shall be appointed as the superintendent, until his name and qualification have been notified to the Inspector and he has approved of the appointment.

Acting superintendent

(3) During the temporary absence, illness or incapacity of the superintendent the licensee may, without notice to the Inspector, appoint as acting superintendent any other person qualified in accordance with this section; and every person so appointed shall, while he so acts, be deemed for the purposes of this Act to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks.

Penalty.

(4) If at any time a licensed hospital is used as such, while there is no duly qualified superintendent, or while the superintendent is not resident on the premises, the licensee shall

incur

incur a penalty not exceeding $25, for every day during which it is so used.

(5) The Provincial Secretary may, because of special circumstances, and on such terms and conditions as he thinks fit, by warrant under his hand, temporarily, exempt any licensed hospital from the requirements of subsection 1. Exemption by Provincial Secretary.

(6) Any exemption so granted, may be withdrawn by him by notice under his hand and delivered to the licensee of the hospital. (*New*). Withdrawal of exemption.

**38.**—(1) In every licensed hospital there shall be kept a Register of Patients, in which shall be entered the following particulars:— Register of patients.

(*a*) The name, age, and usual place of abode of every patient, and date of his admission into the hospital; Name, etc., of patients.

(*b*) The name of the medical practitioner, if any, attending each patient; Name of medical practitioner.

(*c*) The date at which each patient leaves the hospital, or, in the event of the death of a patient in the hospital, the date of his death; Date of patient's departure or death.

(*d*) Such other particulars as may be prescribed by the Inspector. Other particulars.

(2) Such particulars, shall be entered in the Register as soon as practicable after the occurrence of the act or event to which the entry relates. Entry of particulars.

(3) Every person who knowingly makes in the Register an untrue entry, shall incur a penalty not exceeding $200. Penalties.

(4) Every licensee who fails to make or cause to be made any entry in the Register, required by this Act to be made therein, shall incur a penalty not exceeding $50. (*New*).

**39.** Every licensed hospital, and the Registers thereof, shall at all times be open to inspection by the Inspector. (*New*). Inspection by Inspector.

**40.** If the Inspector believes or suspects that any house is used as a private hospital without being licensed, he may at any time and from time to time by himself, or by any person authorized by him, enter and inspect such house and every part thereof; and any person who prevents or obstructs Inspector may enter unlicensed premises if he believes the same to be used as a private hospital.

or

Penalty.

or attempts to prevent or obstruct any such entry or inspection shall incur a penalty not exceeding $200. (*New*).

Licensed hospitals to be used only for authorized purposes.

**41.**—(1) A licensed hospital shall not be used for any purpose other than the purposes in respect of which the license is granted, and purposes reasonably incidental thereto.

Penalty.

(2) If a licensed hospital is used in any manner contrary to the provisions of this section the licensee and superintendent shall severally incur a penalty not exceeding $25 for every day during which it is so used. (*New*).

Reception in licensed hospital of more than authorized number of patients.

Penalty.

**42.** If at any time a licensed hospital is used for the reception of a greater number of patients than is permitted by the license, or for the reception of any patient of a class not authorized by the license, the licensee and the superintendent shall severally incur a penalty not exceeding $25 for every day during which it is so used. (*New*).

Superintendent of hospital deemed the occupier for certain purposes. 2 Geo. V., c.

Penalty.

**43.**—(1) The Superintendent of a licensed hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease.

Superintendent deemed occupant.

8 Edw. VII. c. 28.

(2) The superintendent of a licensed hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act,* of the death of any person or of the birth of any child in the hospital. (*New*).

Penalties.

10 Edw. VII. c. 37.

**44.** The penalties imposed by or under the authority of this Act, shall be recoverable under *The Ontario Summary Convictions Act.* (*New*).

Burden of proof in prosecutions to be on defendant as to purpose of residence.

**45.**—(1) In any prosecution for an offence against this Part the burden of proving that any person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act shall be upon the person charged.

As to license and person in charge.

as to

(2) In any prosecution for an offence against this Part the burden of proving that a license is in force, and of proving its terms, and that any person apparently having the charge, control or management of the hospital is not the superintendent thereof within the meaning of this Act, shall be upon the person charged. (*New*).

**46**. Chapter 320 of the Revised Statutes of Ontario, 1897, chapter 58 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria; and chapter 38 of the Acts passed in the fourth year; and section 30 of chapter 23 of the Acts passed in the seventh year of the reign of His late Majesty King Edward the Seventh, are repealed. Rev. Stat. c. 320; 63 V. c. 58; 4 Edw. VII c. 38; 7 Edw. VII c. 23, repealed.

CHAPTER

# CHAPTER 86.

## An Act to confirm certain By-laws of the Town of Alliston

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Alliston has by petition represented that it has passed the Local Improvement By-laws specified in Schedule "A" hereto and has constructed the works provided for in such By-laws, that doubts have arisen as to the validity of some of the By-laws because the debentures issued under them were for sums less than $100, that it is desirable that the said By-laws and the debentures issued or to be issued under them should be confirmed; and whereas the said Corporation has prayed that an Act may be passed for such purposes, and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Confirmation of certain local improvement by-laws.

**1.** The By-laws of the Municipal Corporation of the Town of Alliston, specified in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made, and all rates levied or to be levied for the payment thereof are validated and confirmed, and the said Corporation is declared to have had power to pass, issue and levy the same.

SCHEDULE

SCHEDULE "A"

| No. of By-Law | Nature of Work under By-Law | When Passed by Council | Total Cost of Work | Amount to be borne by town | Amount to be borne by Rate-payers | Period of Payment | Rate of Interest |
|---|---|---|---|---|---|---|---|
| 161 | Construction of Cement Walks | 1906 Dec. 24th. | | | 628.56 | 25 | 4% |
| 162 | " | " | | | 618.31 | " | " |
| 163 | " | " | | | 258.07 | " | " |
| 164 | " | " | | | 84.48 | " | " |
| 165 | " | " | 4450.72 | 2881.30 | | " | " |
| | | 1908 | | | | | |
| 188 | " | May 4th | | | 205.28 | 20 | " |
| 189 | " | " | | | 262.40 | " | " |
| 190 | " | " | 1286.37 | 818.69 | | " | " |
| 201 | " | Nov. 14th | | | 1057.85 | 5 | " |
| 202 | " | " | | | 152.52 | " | " |
| 203 | " | " | | | 25.80 | " | " |
| 204 | " | " | 3525.99 | 2289.82 | | " | " |
| | | 1911 | | | | | |
| 253 | " | Dec. 18th | | 1683.34 | | 20 | " |
| 254 | " | " | 2590.90 | | 907.56 | " | " |

## CHAPTER 87.

### An Act to Consolidate the Floating Debt of the Town of Arnprior.

*Assented to 16th April, 1912.*

Preamble. WHEREAS, the Municipal Corporation of the Town of Arnprior, has by its petition represented that it has incurred a floating indebtedness of $24,000.00, which has been incurred in part, in the construction of certain works and improvements of a necessary and permanent character, namely: Water Works extension, Water Works maintenance, repairs to streets and other necessary expenses, and, in part, by the failure to levy a sufficient amount to pay therefor and the current expenses, and also, in part, by the defalcation of the Collector of Taxes for the years 1907, 1908 and 1909, and the interest paid by the Corporation on sums necessarily borrowed by reason of the said Collector having failed and neglected to account for and pay to the Treasurer all the taxes collected by him in and for the said years; and which defalcations amount in the aggregate to the sum of $11,246.55; that the existing debenture debt of the said Corporation is the sum of $214,004.53, of which the sum of $211,237.28 is a general debenture debt; that the total assessment of the said Town for the year 1911, is the sum of $1,215,561.00; that to pay the said floating debt of $24,000.00 forthwith, in addition to meeting the necessary annual expenditure of the Corporation, would be unduly burdensome and oppressive, under all circumstances, to the ratepayers of the said Town; that if a rate, sufficient to pay the said floating debt forthwith, and the necessary, ordinary annual expenses, were imposed, it would necessarily be a greater rate than is allowed by *The Municipal Act.* And whereas the said Corporation by its petition has prayed that the said floating debt may be consolidated and that the said Corporation may issue debentures for the amount thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore, His Majesty, by and with the advice of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Floating debt consolidated.

**1.** The said floating debt of the Corporation of the Town of Arnprior is hereby consolidated at the sum of $24,000, and it shall and may be lawful for the said Corporation to raise by way of loan, on the credit of its debentures, to be issued under the authority of this Act, from any person or persons or body corporate, a sum or sums of money not exceeding in the whole the said sum of $24,000.

Term of debentures.

**2.** The said debentures shall be in sums of not less than $100 each, and shall be made payable 30 years after the issue thereof at such place or places as the Council of the said Corporation shall deem expedient.

Interest and coupon.

**3.** The said debentures shall bear interest, payable annually, during the currency thereof, at a rate not exceeding 5%, as the said Council may determine, and shall have coupons attached thereto for the payment of the said interest, at the place mentioned thereon.

Special rate for interest.

**4.** For the payment of the said interest on the said debentures in each year during the currency thereof, there shall be raised, levied and collected by the said Corporation, the amount of said interest by a special rate sufficient therefor, in addition to all other rates and assessments on the whole rateable property of the said Town.

Special rate for sinking fund.

**5.** For the payment of the principal of the said debentures, there shall be raised, levied and collected annually during the currency thereof, an amount of money to form a sinking fund, which with the estimated interest on the investment thereof will be sufficient to discharge the said debentures at the maturity thereof by a special rate sufficient therefor in addition to all other rates and assessments on the whole rateable property of the said Town.

Application of proceeds of debentures.

**6.** The proceeds of the said debentures shall be applied by the said Corporation to the payment of the said floating debt of $24,000, and the costs of the special Act, and for no other purpose whatever.

Assent of electors not required.

**7.** It shall not be necessary to obtain the assent of the ratepayers of the said Corporation to the passing of any By-law or By-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903,*

and

and any provisions in the Acts respecting Municipal Institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the By-law or By-laws to be passed by the Council of the said Corporation under the provisions of this Act.

Irregularity in form not to invalidate

**8.** No irregularity in the form of the said debentures or any of them or of any By-law authorizing the issue thereof under the same shall be invalid and illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount represented by the said debentures, or interest or any part thereof; and the purchaser or holder of the said debentures shall not be bound to inquire as to the necessity of passing such By-law or issuing of debentures, or as to the application of the proceeds thereof.

By-law not to be repealed until debt satisfied

**9.** Any By-law to be passed under the provisions of this Act shall not be repealed until the debt created under such By-law and interest thereon is fully paid and satisfied.

Other debts of town not affected.

**10.** Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Arnprior from any indebtedness or liability which is not included in the indebtedness hereby consolidated.

Treasurer to keep proper books of account.

**11.** It shall be the duty of the Treasurer for the time being of the said Corporation to keep, and it shall be the duty of the members from time to time of the Council of the said Corporation to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures, which from time to time shall be issued under the powers contained in this Act and the respective amounts, payment of which is thereby secured, and the time at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Corporation, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

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CHAPTER

# CHAPTER 88.

## An Act respecting the Town of Arnprior.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the Town of Arnprior has a general debenture indebtedness of $211,659.51, incurred principally for Water Works, Water Works Extensions, Sewerage, Railway, Iron Bridge, Shirt Factory Bonus, High School, Local Improvements and Electric Power, which debentures are in the amounts and finally fall due as follows:

| | | |
|---|---|---|
| Iron Bridge, in instalments, | from 1912 to 1918.. | $ 3,754.04 |
| Water Works, " | from 1912 to 1930.. | 37,976.98 |
| Sewerage, " | from 1912 to 1930.. | 18,988.30 |
| Daniel St. Sew., " | from 1912 to 1922.. | 1,611.46 |
| Water Works Extn. " | from 1912 to 1922.. | 6,446.09 |
| Local Improvements in 1923 | | 3,548.40 |
| Shirt Factory Bonus in 1925 | | 35,000.00 |
| O. A. & P. S. Railway in 1922 | | 30,000.00 |
| Local Improvements in 1926 | | 31,507.24 |
| Local Improvements in 1927 | | 10,727.11 |
| Local Improvements in 1927 | | 844.79 |
| Local Improvements in 1928 | | 1,017.57 |
| Local Improvements in 1929 | | 7,117.89 |
| High School in 1940 | | 14,000.00 |
| Local Improvements in 1930 | | 1,779.01 |
| Electric Power in 1931 | | 6,000.00 |
| Local Improvements in 1931 | | 1,340.63 |

And whereas the whole existing debenture debt of the said Corporation, including the above amounts, is the sum of $214,247.81, of which no part of the principal or interest is in arrears; and whereas the whole rateable property of the said Corporation for the year 1911 is the sum of $1,215,561.00; and whereas the said Corporation has at present to the credit of certain of the above mentioned debenture debts, the several sinking funds, for the purpose and in the amounts following:—

By-law

| | |
|---|---|
| By-law No. 269—O. A. & P. S. Railway | $11,574.60 |
| By-law No. 219—Local Improvements | 1,200.08 |
| By-law No. 266—Shirt Factory Bonus | 35,378.01 |
| By-law No. 307—Local Improvements | 6,211.13 |
| By-law No. 321—Local Improvements | 1,685.57 |
| By-law No. 326—Local Improvements | 119.16 |
| By-law No. 364—Local Improvements | 116.82 |
| By-law No. 397—Local Improvements | 540.15 |
| By-laws No. 404-411—High School | 294.27 |
| By-law No. 423—Local Improvements | 66.21 |

And whereas it has been ascertained that the said Corporation will not be in a position to pay certain of the said debenture debts, in full, when they respectively mature; and whereas to provide for the payment of all of the said debenture debts at the maturity thereof respectively, it is expedient and will be less oppressive and burdensome upon the ratepayers of the said Corporation to consolidate the said debenture debts and deal with the same as hereinafter provided, to provide for the payment of the same at the maturity thereof respectively by the issue of new debentures, from time to time, as required, for sums not exceeding in the whole the sum of $150,000.00; to consolidate the said present existing sinking funds and deal with the same as hereinafter provided; to create a new sinking fund which shall be added to and form part of the consolidated sinking funds; to provide for the payment of the interest on the said new debentures and to have authority conferred upon the said Corporation to pay out of the said whole consolidated sinking funds the said debentures and the said new debentures as the same mature, from time to time; and whereas the said Corporation has by its Petition prayed for the passing of an Act to consolidate the said debenture debts and authorizing it to deal with the same as hereinafter provided; authorizing it to issue new debentures from time to time as required in sums not exceeding in the whole the sum of $150,000.00 for the purpose of paying the said debentures at the maturity thereof respectively; to consolidate the present existing sinking funds and authorizing it to deal with the same as hereinafter provided; authorizing it to create a new sinking fund which shall be added to and form part of the consolidated sinking funds; authorizing it to impose the necessary rates for the payment of the interest on the said new debentures and to provide the said new sinking fund; and authorizing it to pay out of the said whole consolidated sinking funds the said debenture debts and the said new debentures as they respectively mature; and whereas it is expedient to grant the prayer of the said Petition;

Therefore,

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debenture debt consolidated.

**1.** The said debenture debts set out in the preamble to this Act shall be consolidated, and the said Corporation is authorized to deal with the same as hereinafter provided.

Issue of debentures for $150,000 authorized.

**2.** The Corporation of the Town of Arnprior is authorized to issue debentures of the Corporation, from time to time, as required for a sum or sums of money not exceeding in the whole the sum of $150,000 of lawful money of Canada, for the purpose of paying the debenture debts, in the preamble to this Act set out, as the same mature respectively.

Period of payment.

**3.** The said debentures so to be issued as aforesaid shall, respectively, be payable within 30 years from the 31st day of December, 1911, and at such place as the Council of the said Corporation shall deem expedient.

Amount of each debenture.

**4.** The said debentures shall be in sums of not less than $100, and shall be signed by the Mayor and under the seal of the said Corporation.

Coupons.

**5.** Coupons shall be attached to the said debentures for the payment of the interest thereon, which interest shall be payable annually at the place mentioned therein and in the said coupons, and at a rate not exceeding five per cent., as the said Council shall determine.

Application of proceeds of debentures.

**6.** The proceeds of the said debentures shall be applied in payment of the said debenture debts set out in the preamble to this Act as the same, respectively, mature and for no other purpose whatever.

Consolidation of sinking funds.

**7.** The said present existing sinking funds shall be consolidated, and the said Corporation is authorized to deal with the same as hereinafter provided.

Special rate for interest.

**8.** For the payment of the interest on the said debentures so to be issued as aforesaid there shall be annually raised, levied and collected by the said Corporation upon the whole of the then rateable property of the said town, in addition to all other rates and assessments, a special rate of so much on the dollar as shall be sufficient to pay the interest on the said debentures.

Provision for sinking fund.

**9.** The said Corporation is authorized to provide annually a sum of money by way of sinking fund, which shall be

added

added to and form part of the said consolidated sinking funds, which will be sufficient with the estimated interest on the investment of the whole said sinking funds, to pay the said debenture debts set out in the preamble to this Act, and the said debentures so to be issued as aforesaid at the maturity thereof respectively; and for the purpose of providing such sinking fund there shall be annually raised, levied and collected on the then whole rateable property of the said town, in addition to all other rates and assessments, a special rate of so much on the dollar sufficient therefor.

Application of sinking funds.

**10.** The said Corporation is authorized to pay out of the whole consolidated sinking funds the said debenture debts, set out in the preamble to this Act, as the same mature respectively, and the said debentures so to be issued under the authority of this Act as the same mature respectively.

Sinking fund not to be diverted.

**11.** Neither the whole of the said sinking fund nor any part thereof shall be used or applied by the said Corporation or the Treasurer thereof for any other purpose than by this Act provided.

Assent of electors not required.

**12.** It shall not be necessary to obtain the assent of the ratepayers of the said Corporation to the passing of any by-law or by-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts relating to municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to any such by-law or by-laws.

Confirmation of by-laws and debentures.

**13.** Any by-law or by-laws providing for the issue, sale or exchange of the said debentures mentioned in Section 2 of this Act when passed, and any debentures to be issued thereunder when issued shall be legal, valid and binding.

Exchange of debentures.

**14.** The said Corporation may by by-law authorize the exchange of the said debentures set out in the preamble to this Act for the debentures so to be issued as aforesaid upon such terms as may be agreed upon between the said Corporation and the holders of such debentures.

Irregularity in form not to invalidate.

**15.** No irregularity in form of the said debentures so to be issued as aforesaid or of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest, or any or either of them,

or

or any part thereof, and the said debentures when once issued and disposed of shall be a legal and binding debt of the municipality.

**16**. This Act may be cited as *The Town of Arnprior Debenture Act, 1912.* Short title.

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CHAPTER

## CHAPTER 89.

# An Act to confirm By-law No. 418 of the Town of Brampton.

*Assented to 16th April, 1912.*

Preamble. WHEREAS, the Corporation of the Town of Brampton by petition has represented that the ratepayers of the said Town of Brampton having duly approved thereof, the said Corporation did, on the 12th day of December, A.D., 1911, pass a By-law Number 418 of the said Town to authorize the issue of debentures of the Corporation of the Town of Brampton for $43,000.00 for the purpose of granting a bonus by way of loan to the Pease Foundry Company, Limited, for the purposes and on the terms in the said By-law set out; and whereas the said Corporation of the Town of Brampton has by the said petition prayed that an Act may be passed ratifying and confirming the said By-law and the agreement therein set out; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 418 of Town of Brampton confirmed. **1**. The said By-law Number 418 of the Corporation of the Town of Brampton set out in the Schedule "A" hereto, and all debentures issued or to be issued thereunder, and the said agreement are hereby ratified, confirmed and declared to be legal, valid and binding upon the said Corporation, the ratepayers thereof, and all parties to the said agreement.

Interpretation of "employees." **2**. For the purposes of the construction of the said By-law and agreement, it is declared that the word "employees" in the said agreement, shall be deemed and construed to include all persons residing in the town of Brampton and receiving remuneration from the said Pease Foundry Company, Limited, for services rendered to it.

Amendment of agreement. **3**. The said agreement is hereby amended by substituting in paragraph 15 thereof for the words "David Street," the words "Helstone Avenue westward from Mill Street."

SCHEDULE

SCHEDULE "A."

BY-LAW No. 418.

A By-law to authorize the issue of Debentures of the Corporation of the Town of Brampton for $43,000.00 for the purpose of granting a bonus by way of loan to Pease Foundry Company, Limited, to enable such Company to purchase a site in the said Town and to establish a factory thereon for manufacturing purposes, and also the granting of certain exemptions from taxes and water rates.

Whereas Pease Foundry Company, Limited, has entered into an agreement with the Corporation of the Town of Brampton bearing date 21st day of October, A.D. 1911, subject to the approval of the ratepayers, a copy whereof is set forth in the Schedule hereunto annexed, marked "A."

And whereas the said agreement provides among other things, that the said Company will purchase a site and will erect and establish in the Town of Brampton a factory for the manufacture of furnaces and other goods, and will employ therein annually for twenty years not less than 100 men, or in the alternative will have an annual pay roll of $50,000.00 as set forth in said agreement, and that upon the Company giving security by way of mortgage on the site, buildings, machinery and plant, as set forth in said agreement, and complying with all conditions mentioned therein, the Corporation of the Town of Brampton will loan to the Company the sum of $43,000.00 on the terms mentioned and set forth in said agreement, and will grant to said Company exemption from taxation, except school rates and local improvement rates for ten years from the First day of January, A.D. 1912, and will furnish water for a like period for 5 cents per thousand gallons as set forth in said agreement.

And whereas in the opinion of the Municipal Council of the Town of Brampton, it is desirable to ratify and confirm the said agreement.

And whereas in order to carry out the terms of the said agreement, it will be necessary to issue debentures for the sum of $43,000.00 as hereinafter provided, for which said sum of $43,000.00 is the amount of the debt intended to be created by this By-law.

And whereas it will be necessary to raise annually during the term of twenty years by special rate for paying the said debt the following sums, that is to say: $2,150.00 annually during the first two years and $3,678.48 annually during the remaining eighteen years.

And whereas it will be necessary to raise the several sums in each year respectively set forth in paragraph five of this By-law.

And whereas the amount of the whole rateable property of the Town of Brampton according to the last revised assessment roll thereof, being the year 1911, is $1,619,383.00.

And whereas the existing debenture debt of the Corporation of the Town of Brampton, exclusive of local improvement debentures, amounts to $151,198.48 of which no part of the principal or interest is in arrear.

Now therefore the Corporation of the Town of Brampton by the Council thereof enacts as follows:—

1. That the agreement set forth in the Schedule hereto, bearing date the 21st day of October, 1911, be and the same is hereby approved of.

2. That for the purpose of carrying out the said agreement it shall be lawful for the Corporation of the Town of Brampton to borrow the sum of $43,000.00 and to issue debentures of the said Corporation to the amount of $43,000.00 in sums of and not less than $100.00 each, payable in the manner and for the amounts and at the times set forth in said paragraph number five hereof.

3. That the said debentures shall bear interest at the rate of five per cent. per annum payable annually on the thirty-first day of December in each year and as to both principal and interest shall be payable at the Merchants Bank of Canada at Brampton, Ontario.

4. That the Mayor of the Corporation of the Town of Brampton shall sign and issue the said debentures and the interest coupons to be attached thereto and shall cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the Corporate Seal of the said Municipality to the said debentures.

5. That the said debentures shall be dated and issued all at the one time, and within two years from the date of the passing of this By-law, and shall be payable within twenty years next after the issue of the same, and the respective amounts of principal and interest payable during each of the said twenty years shall be as follows:—

| No. | Year. | Interest. | Principal. | Total. |
|---|---|---|---|---|
| 1 | 1913 | $2150 00 | $ | $2150 00 |
| 2 | 1914 | 2150 00 | | 2150 00 |
| 3 | 1915 | 2150 00 | 1528 48 | 3678 48 |
| 4 | 1916 | 2073 56 | 1604 92 | 3678 48 |
| 5 | 1917 | 1993 33 | 1685 15 | 3678 48 |
| 6 | 1918 | 1909 06 | 1769 42 | 3678 48 |
| 7 | 1919 | 1820 60 | 1857 88 | 3678 48 |
| 8 | 1920 | 1727 69 | 1950 79 | 3678 48 |
| 9 | 1921 | 1630 16 | 2048 32 | 3678 48 |
| 10 | 1922 | 1527 74 | 2150 74 | 3678 48 |
| 11 | 1923 | 1420 20 | 2258 28 | 3678 48 |
| 12 | 1924 | 1307 30 | 2371 18 | 3678 48 |
| 13 | 1925 | 1188 73 | 2489 75 | 3678 48 |
| 14 | 1926 | 1064 24 | 2614 24 | 3678 48 |
| 15 | 1927 | 933 53 | 2744 95 | 3678 48 |
| 16 | 1928 | 796 30 | 2882 18 | 3678 48 |
| 17 | 1929 | 652 18 | 3026 30 | 3678 48 |
| 18 | 1930 | 500 86 | 3178 62 | 3678 48 |
| 19 | 1931 | 342 00 | 3336 48 | 3678 48 |
| 20 | 1932 | 175 16 | 3503 32 | 3678 48 |
| | | $27512 64 | $43000 00 | $70512 64 |

6. That for the purpose of paying the said instalments of principal and interest as the same fall due respectively during the said twenty years, the currency of the said debentures, there shall be levied and raised in each year by a special rate on all rateable property in the said Municipality, the following sums, that is to say:— $2150.00 during each of the first two years, and $3678.48 during each of the remaining eighteen years.

7. That this By-law shall take effect from and after the final passing thereof.

8. That for the purpose of ascertaining whether the ratepayers of the Town of Brampton qualified to vote upon this By-law assent to the same a poll will be opened on Friday, the 1st day of December, A.D. 1911, at the hour of nine o'clock in the forenoon, and continue open until five o'clock in the afternoon, at the several polling sub-divisions, as follows:

(a)

(a) For the East Ward, at Market Building, and O. B. Irvine shall be Deputy Returning Officer and Edgar Heath shall be Poll Clerk.

(b) For the North Ward, at Norval's shop, and L. Fingland shall be Deputy Returning Officer and S. Galbraith shall be Poll Clerk.

(c) For the West Ward, at Dawson's Packing House, and Thomas Morris shall be Deputy Returning Officer and Ken Sewell shall be Poll Clerk.

(d) For the South Ward at H. C. Stork's store, and Henry Brown shall be Deputy Returning Officer and G. Davis shall be Poll Clerk.

9. That on Wednesday, the 29th day of November, A.D. 1911, the Mayor of the said Town shall attend at the Municipal Office at ten o'clock in the forenoon to appoint persons to attend at the various polling places opened, and at the final summing up of the votes by the Clerk, respectively, on behalf of the persons interested in and promoting or opposing the passing of this By-law.

10. That the Clerk of the said Municipality shall attend at the Council Chamber in the said Town of Brampton, on Saturday, the second day of December, A.D. 1911, at 12 o'clock noon to sum up the number of votes given for and against this By-law and if the said By-law shall be carried by the requisite number of votes of the said electors the same shall be finally considered and passed on Tuesday, the 12th day of December, A.D. 1911, at the hour of eight o'clock p.m., at the Council Chamber in the said Town of Brampton.

This By-law read a first time the sixth day of November, A.D. 1911.

Read a second time the sixth day of November, A.D. 1911.

Read a third time and finally passed the twelfth day of December, A.D. 1911.

W. H. McFADDEN,
*Clerk.*

THOS. THAUBURN,
*Mayor.*

(L. S.)

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Schedule "A" to the annexed By-law, being agreement between Pease Foundry Company, Limited, and the Corporation of the Town of Brampton, entered into the Twenty-first day of October, A.D. 1911.

Memorandum of Agreement made and entered into the twenty-first day of October, A.D. one thousand nine hundred and eleven, between Pease Foundry Company, Limited (hereinafter called "The Company") of the first part, and the Corporation of the Town of Brampton (hereinafter called "The Corporation") of the second part.

Witnesseth that the parties hereto do hereby mutually promise and agree to and with each other in manner and form following, that is to say:—

1. That the Company will erect in the Town of Brampton, in the County of Peel, a factory for the purpose of manufacturing furnaces and other goods, and will purchase a site in the said Town of Brampton, of approximately ten acres, for such purposes and will erect buildings thereon, said site and buildings to cost not less than

than $43,000.00 and will install therein suitable machinery, plant and manufacturing accessories of not less than $50,000.00 at the original cost of the same. The Company agrees that it will either (1) Employ during each and every year for twenty years from the date on which the factory is to be in operation, not less than 100 men; or (2) That in the alternative, at the option of the Company, it will pay to its employees residing in the Town of Brampton during each business year of such period in all sums amounting to $50,000.00, provided that if in any year the amount so paid shall be less than $50,000.00, but not less than $40,000.00 then and so often as the same may happen, the Company shall on the last day of such business year or within one month thereafter pay to the Town of Brampton interest for the year in which such default shall have occurred, at the rate of five per cent. per annum upon the difference between the said sum of $50,000.00 and the amount actually paid to such employees so residing. Provided further that if the amount so paid to such employees shall be less than $40,000.00 then the Company shall pay to the Corporation interest for the said year at the said rate upon the balance then owing by the Company. Provided nevertheless that if during the year of such default and the two succeeding years the total amount paid by the Company to such employees shall amount to the full sum of $150,000.00 then the interest paid by the Company during such period of three years shall be credited as if paid on the account of principal.

2. In consideration thereof the Corporation agrees to loan to the Company the sum of $43,000.00 to be repaid and to be secured as hereinafter stated.

3. The Company will purchase the said site and will commence to build within three months after the confirmation of the By-law hereinafter referred to and will if not prevented by strikes or other unavoidable causes have the factory in operation within nine months after such confirmation, but shall not be obliged to do so before the 1st day of October, 1912, and if so prevented will have the factory in operation as soon after the last mentioned date as possible.

4. Upon confirmation of the said By-law the Company will give to the Corporation a first mortgage upon the said site and upon the buildings so to be erected thereon and upon the said machinery, plant and manufacturing accessories so to be installed therein as a going concern for $43,000.00 in form pursuant to the Short Forms Act, and free from dower or incumbrance, payable in eighteen equal instalments without interest (subject to the proviso hereinafter mentioned) the first payment to be made at the expiration of three years from the date of the said mortgage.

5. The Corporation agrees to advance to the Company $3,000.00 when the said mortgage is so given, and will advance in monthly payments as the said buildings progress, seventy-five per cent. of the cost of all labor and materials supplied and used in or about the construction of the said buildings, and the balance upon the installation of the said machinery and manufacturing accessories, such payments to be made on the certificate of a representative to be appointed by the Corporation for the purpose.

6. The Company will insure the said buildings, machinery and manufacturing accessories in an insurance company satisfactory to the Corporation for the full insurable value of the said buildings, machinery and manufacturing accessories and make the loss (if any) under such insurance policy or policies payable to the Corporation, as its interest may appear and shall deliver such policy or policies and all renewals thereof from time to time to the Corporation, in due course, provided that this clause shall not apply to one storey buildings of concrete walls and concrete wood covered flooring and other fire resisting construction, except in so far as the same may not be of such construction.

7. The said mortgage shall contain a proviso that in case of default for one month in payment of any instalment or in the event of the Company ceasing to carry on business as aforesaid or becoming insolvent or making a general assignment for the benefit of its creditors or in the event of the continued breach of any of the other covenants contained in said mortgage and after three months' notice in writing by the Corporation specifying the breach complained of, the whole amount remaining due and unpaid on said mortgage shall forthwith become due and payable with interest at five per cent. per annum from the date of such default and all exemptions from taxation and other privileges shall thereupon immediately cease and determine, provided, however, that if at any time before the expiration of the said three months' notice the said default shall cease or shall be remedied, then the said Company shall be reinstated to its former position as if no such default had been made.

8. The Corporation agrees to grant to the Company for ten years from the First day of January, A.D. 1912, exemption from taxation except school rates and local improvement rates upon all such lands, buildings and manufacturing accessories as may be used for manufacturing purposes only but not otherwise or to be held for future extension of such manufacturing business, and will furnish water during a like period at the rate of five cents per thousand gallons (not to exceed five thousand gallons per day and not to be used for running motors or for any purpose except in connection with the factory) it being understood that the Corporation will not be in any way liable in the event of an accidental failure of such water supply not caused by wilful neglect or default, provided however that in such case of accidental failure, necessary repairs shall be made with all convenient speed. The Company agrees to pay a reasonable meter rental, or to furnish the meter at its own expense, to which meter the Corporation or the Board of Water Commissioners shall have access at all reasonable times.

9. The Company agrees to pay the expense of submitting a By-law to the ratepayers, if such By-law should be approved by the ratepayers of the Town, and confirmed or validated by the Railway and Municipal Board or the Legislature of Ontario and the Company should make default in establishing the factory pursuant to this agreement within the time limited.

10. The books of the Company shall be open for inspection by the fully accredited representatives of the Corporation at all reasonable times for the purpose of ascertaining the number of men employed and the amount of weekly and annual pay roll.

11. Upon the execution of this agreement said Corporation will proceed forthwith to submit such By-law for approval and upon being approved by the ratepayers the council of the Municipality will finally pass the same.

12. Upon such By-law being passed as aforesaid, the Corporation will make every lawful effort to secure its confirmation and validation by the Legislature or the Railway and Municipal Board of Ontario as may be necessary to validate same, and if the said By-law shall not be validated during the next session of the Ontario Legislature then this agreement shall be null and void.

13. This agreement will be binding on the Corporation only upon a By-law to carry it into effect being approved by the ratepayers and becoming valid, and being validated as hereinbefore mentioned.

14. The Company hereby agrees to take from the Corporation and use electric power for all power and lighting purposes necessary for use in connection with such factory at prices to be fixed by the Hydro-Electric Commission of Ontario. Provided that the Company may, if deemed expedient, use other power for driving the fan used for blast purpose.

15.

15. In the event of the Company acquiring the site at the intersection of the G.T.R. and C.P.R. tracks, the Corporation agrees at its own expense to extend Joseph Street across the tracks of the Canadian Pacific Railway Company to the property of the Company, and within a reasonable time after being so requested by the Company to open and extend and grade David Street across the tracks of the Canadian Pacific Railway and across the property of the Company and to the westerly boundary thereof, the land for such extension across the property of the Company to be furnished by the Company, and that it will build and construct on both the said streets as so extended all necessary sewers, water pipes and connections to afford a supply of water to the said premises, and the whole thereof, and so as to afford complete facilities for dealing with and disposing of sewage from the said premises and the whole thereof, it being understood and agreed that the Company will be liable for and will pay for all local improvements on such streets in the usual manner.

16. In the event of the Company acquiring any other site the Corporation will open and grade such necessary streets as may be mutually agreed upon, and will build and construct all necessary sewers and water pipes thereon, subject to payment of local improvement rates in the usual manner.

17. In the event of the Company failing to acquire a site satisfactory to the Company, this agreement shall be null and void.

18. It is understood and agreed that the Corporation is at liberty to grant aid to similar industries now located or hereafter to locate in Brampton.

In witness whereof the Company have caused to be affixed the signatures of the President and Secretary of the Company, and its corporate seal and the Corporation has caused to be affixed the signatures of the Mayor and the Clerk of the said Corporation and the seal of the said Corporation.

D. J. McKINNON,
*President.*

R. B. McKINNON,
*Secretary.*

(L. S.)

(Sgd.) W. H. McFADDEN,
*Clerk.*

(Sgd.) THOMAS THAUBURN,
*Mayor.*

(L. S.)

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CHAPTER

## CHAPTER 90.

### An Act respecting the City of Brantford.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, the Corporation of the City of Brantford has by its petition represented that provision has been made for the expenditure by the Corporation of large sums of money for new Hospital buildings to be erected within the limits of the City of Brantford, in addition to those already erected which are known as the John H. Stratford Hospital, and has further represented that it is desirable to change the name thereof and to call the same "The Brantford General Hospital"; and whereas the Corporation of the City of Brantford has by its petition represented that for many years the system was adopted within its limits of raising the cost of street watering by a special rate according to the assessed value of the property benefited by such service, and that during the year 1911 the Corporation adopted the system of levying such cost by a special rate according to the frontage of the properties assessed for such service, and has further represented that the Corporation desires to return to the previous method which has proven more satisfactory, and has further represented that the Corporation desires enabling power to adopt the same method with respect to the annual cost of cleaning, clearing of ice and snow, watering, oiling, sweeping, lighting, cutting grass and weeds and trimming trees and shrubbery on any street within its limits; and whereas the Corporation of the City of Brantford has by its petition further represented that certain By-laws of the said Corporation should be confirmed; and whereas the Corporation of the City of Brantford has prayed that an Act may be passed for such purposes, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name of "John H. Stratford Hospital" to "The Brantford General Hospital."

**1.** The name of the John H. Stratford Hospital is hereby changed to "The Brantford General Hospital," by which name the same shall hereafter be named and known.

Cost of cleaning, watering streets, etc. —how assessed.

**2.**—(1) The Council of the City of Brantford may by By-law provide that thereafter the annual cost of cleaning, clearing of snow and ice, watering, oiling, sweeping, lighting, cutting grass and weeds and trimming trees and shrubbery on any street, or any one or more of such services shall be specially assessed upon the land abutting directly on such street, according to the assessed value thereof, and the provisions of Sections 1 to 48 of *The Local Improvement Sections of The Municipal Act,* shall not apply to such services.

1 Geo. V. c. 58.

By-law may apply to street in defined sections.

(2) Instead of naming the particular street or streets, the By-law may apply to all the streets in a defined section or sections of the Municipality.

Special rate —how collected.

(3) Where the Council so provides, the amount of the special rate imposed to defray such cost may be entered on the Collector's Roll and collected in like manner as other taxes.

Power to repeal by-law.

(4) The By-law shall remain in force from year to year until repealed.

Power to be in addition to that given by 1 Geo. V. c. 58, s. 49.

(5) The powers conferred by this section shall be in addition to and not in substitution for the powers conferred by section 49 of *The Local Improvement Sections of the Municipal Act.*

1 Geo. V. c. 58.

Confirmation of certain by-laws.

**3.** The By-laws of the Corporation of the City of Brantford respectively set out in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

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SCHEDULE

## SCHEDULE "A"

| No. of By-law. | Nature of Work. | When passed. | Total Cost. | Amount borne by City. | Amount borne by Ratepayers. | Period of Payment. | Rate of Interest. |
|---|---|---|---|---|---|---|---|
| 1160 | Debentures for Hospital purposes ..... | January 8, 1912 | $85,000 | ..... | $85,000 | 20 years | 4½% |
| 1164 | Debentures for Public School Purposes... | December 4, 1911 | 60,000 | ..... | 60,000 | 30 years | 4½% |
| 1172 | Local Improvement debentures to defray the cost of certain permanent pavements and concrete curbs and gutters constructed during the year 1911 ... | December 18, 1911 | 12,429 | 4,540 | 7,889 | 10 years | 4½% |
| 1173 | Local Improvement debentures to defray the cost of certain permanent pavements and concrete curbs and gutters constructed during the year 1911 ..... | December 18, 1911 | 9,068 | 4,795 | 4,273 | 15 years | 4½% |
| 1174 | Local Improvement debentures to defray the cost of certain concrete sidewalks constructed during the year 1911 ..... | December 18, 1911 | 21,497 | ..... | 21,497 | 20 years | 4½% |
| 1175 | Local Improvement debentures to defray the cost of certain sanitary sewers constructed during the year 1911 ..... | December 18, 1911 | 58,942 | 8,973 | 49,969 | 40 years | 4% |
| 1176 | Local Improvement debentures to defray the cost of certain storm sewers constructed during the year 1911 ..... | December 18, 1911 | 6,387 | 1,206 | 5,181 | 20 years | 4½% |

## CHAPTER 91.

# An Act respecting the Town of Carleton Place.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, the Municipal Corporation of the Town of Carleton Place has petitioned, praying that an Act may be passed validating and confirming By-law number 605 of the said Corporation, set out in Schedule "A" hereto; and whereas before the final passing thereof the said By-law was submitted to a vote of the ratepayers in accordance with the provisions of *The Consolidated Municipal Act, 1903,* and approved by a majority of the ratepayers entitled to vote on the said By-law; and whereas the said Corporation has petitioned that it be granted power to pass By-laws to extend from time to time, the system of Waterworks and Sewerage mentioned in said By-law number 605, and to issue debentures under such By-laws, to borrow money for defraying the cost of such extensions and improvements; and whereas no opposition has been offered, by or on behalf of any ratepayer or otherwise to the granting of the prayer of the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 605 of Town of Carleton Place confirmed.

**1.** By-law number 605 of the Municipal Corporation of the Town of Carleton Place, set forth in Schedule "A" to this Act is confirmed and with the debentures to be issued thereunder is declared legal and binding upon the Municipal Corporation of the Town of Carleton Place and the ratepayers thereof, for all purposes whatever, notwithstanding any want of jurisdiction on the part of the Municipality to pass the By-law or to issue the debentures as proposed therein, and notwithstanding any defect in substance or in form of the said By-law or in the manner of passing the same, and the said Corporation is hereby authorized and empowered to do all necessary acts for the fully and properly carrying out the said By-law.

**2.**

**2.** It shall be lawful for the said Corporation, from time to time to pass By-laws for the extension and improvement of the system of waterworks and sewerage shown in the plans and specifications referred to in said By-law number 605, and for the extension and improvement of the waterworks and sewerage systems independently of each other, including in the said extensions and improvements branches to the line of the streets, whenever the Council of the Corporation by a two-thirds vote of the members of the said Council present at any regular meeting thereof, deem such extensions and improvements desirable and necessary in the public interest, and to issue debentures on the credit of the Municipality for any loan of money to pay for the cost of any work of extension or improvement so undertaken, for such term of years not exceeding forty, as the Council may think fit, and it shall not be necessary to obtain the assent of the electors or ratepayers of the said Municipality to any By-law passed under this section or to observe any of the formalities relating thereto prescribed by *The Municipal Act*. Power to extend and improve waterworks system.

**3.** All provisions contained in *The Municipal Act* and *The Municipal Waterworks Act*, and amendments thereto, which are inconsistent with the provisions of this Act, or any of them, shall not apply to the said By-laws or debentures or any of them, referred to in the foregoing sections of this Act, or passed and issued under the authority thereof, and no irregularity in the form of the debentures shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation, for the recovery of the amount of the said debentures and interest or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the issue of such debentures, or any part thereof, or as to the application of the proceeds thereof. Application of 3 Edw. VII., c. 19 and Rev. Stat., c. 235.

**4.** This Act may be cited as *The Carleton Place Act, 1912*. Short title.

SCHEDULE "A."

BY-LAW NUMBER 605.

(*Section* 1.)

By-law No. 605, to raise by way of loan $150,000 for the purpose of installing a system of Waterworks and Sewerage.

Whereas it is expedient to raise by way of loan the sum of one hundred and fifty thousand dollars ($150,000) for the purpose of installing a system of Waterworks and Sewerage in the Municipality of the Town of Carleton Place;

And

And whereas plans and specifications have been procured and have been approved by the Provincial Board of Health;

And whereas the total amount required to be raised annually for payment of the new debt hereby created and interest is $8,151.47;

And whereas the amount of the whole rateable property of the Town of Carleton Place, according to the last revised assessment roll, being for the year 1911, is $1,065,822.00;

And whereas the amount of the existing debenture debt of the Town of Carleton Place is $85,800.00, and there is no part of principal or interest in arrears;

Therefore the Municipal Council of the Town of Carleton Place enacts as follows:

1. That it shall be lawful for the Mayor of the said Town to raise by way of loan from any person or persons, body or bodies corporate, willing to advance the same upon the credit of debentures of the Town of Carleton Place, a sum not to exceed in the whole the sum of $150,000.00, and to cause the same to be paid into the hands of the Treasurer of the Town of Carleton Place for the purposes above recited.

2. That for the purpose aforesaid and for securing the said sum of money debentures of this Corporation be issued in sums of not less than one hundred dollars each, bearing the seal of the Town of Carleton Place, and signed by the Mayor and Treasurer thereof, the said debentures to be payable within forty years from the date of issue, in the amounts of principal and interest as per schedule "A" attached.

3. The said debentures shall bear interest at the rate of four and one-half per centum per annum, payable yearly on the thirtieth day of December in each year at the office of the Treasurer of the Town of Carleton Place, and shall have coupons attached thereto signed by the Mayor and Treasurer aforesaid, for payment of the interest thereof.

4. That during forty years the currency of the debentures to be issued under this By-law the sum of eight thousand one hundred and fifty-one dollars and forty-seven cents ($8,151.47) shall be raised annually by a special rate on the dollar upon the assessed value of all the rateable property in the Town of Carleton Place over and above all other rates and taxes, and which special rate shall be sufficient to produce in each year the sum of $8,151.47.

5. That the said sum of $150,000.00 when obtained shall be applied towards the installation of a system of Waterworks and Sewerage in accordance with plans and specifications in the office of the Town Clerk, and approved by the Provincial Board of Health.

6. That the votes of the ratepayers of the said Town of Carleton Place shall be taken on this By-law on the first day of January, 1912, commencing at the hour of nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day, at the following places by the following Deputy-Returning Officers, viz.:

Polling Sub-division No. 1, at J. J. McGregor's office, by J. R. McDiarmid, D.R.O.

Polling Sub-division No. 2, at the Cornell Block, by G. A. Cornell, D.R.O.

Polling Sub-division No. 3, at the Town Hall, by E. A. Wilson, D.R.O.

Polling Sub-division No. 4, at the School House, Bridge Street, by Thomas Houston, D.R.O.

Polling Sub-division No. 5, at William Willoughby's house, by A. T. Hudson, D.R.O.

Polling Sub-division No. 6, at W. A. Nichol's office, by R. Morgan, D.R.O.

7. That the Clerk of the Municipality shall add up the votes for and against this By-law at his office in the Town of Carleton Place at the hour of two o'clock in the afternoon of the second day of January, 1912, and that at the hour of two o'clock in the afternoon of the thirtieth day of December, 1911, at the office of the Clerk the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk, respectively, on behalf of the persons interested in and promoting or opposing the passing of this By-law, respectively, will be made.

SCHEDULE "A."

Referred to in the foregoing By-law, showing how the amount, $8,151.47, thereby required to be raised annually by special rate is apportioned.

| Year. | Principal. | Interest. | Total. |
|---|---|---|---|
| 1912 | $1,401 47 | $6,750 00 | $8,151 47 |
| 1913 | 1,464 54 | 6,686 93 | 8,151 47 |
| 1914 | 1,530 44 | 6,621 03 | 8,151 47 |
| 1915 | 1,599 31 | 6,552 16 | 8,151 47 |
| 1916 | 1,671 28 | 6,480 19 | 8,151 47 |
| 1917 | 1,746 49 | 6,404 98 | 8,151 47 |
| 1918 | 1,825 08 | 6,326 39 | 8,151 47 |
| 1919 | 1,907 21 | 6,244 26 | 8,151 47 |
| 1920 | 1,993 04 | 6,158 43 | 8,151 47 |
| 1921 | 2,082 72 | 6,068 75 | 8,151 47 |
| 1922 | 2,176 45 | 5,975 02 | 8,151 47 |
| 1923 | 2,274 58 | 5,876 89 | 8,151 47 |
| 1924 | 2,376 73 | 5,774 74 | 8,151 47 |
| 1925 | 2,483 69 | 5,667 78 | 8,151 47 |
| 1926 | 2,595 45 | 5,556 02 | 8,151 47 |
| 1927 | 2,712 24 | 5,439 23 | 8,151 47 |
| 1928 | 2,834 30 | 5,317 17 | 8,151 47 |
| 1929 | 2,961 84 | 5,195 63 | 8,151 47 |
| 1930 | 3,095 12 | 5,056 35 | 8,151 47 |
| 1931 | 3,234 40 | 4,917 07 | 8,151 47 |
| 1932 | 3,379 94 | 4,771 53 | 8,151 47 |
| 1933 | 3,532 04 | 4,619 43 | 8,151 47 |
| 1934 | 3,690 99 | 4,460 48 | 8,151 47 |
| 1935 | 3,857 08 | 4,294 39 | 8,151 47 |
| 1936 | 4,030 64 | 4,120 83 | 8,151 47 |
| 1937 | 4,212 02 | 3,939 45 | 8,151 47 |
| 1938 | 4,401 57 | 3,749 90 | 8,151 47 |
| 1939 | 4,599 64 | 3,551 83 | 8,151 47 |
| 1940 | 4,806 62 | 3,344 85 | 8,151 47 |
| 1941 | 5,022 91 | 3,128 56 | 8,151 47 |
| 1942 | 5,248 95 | 2,852 52 | 8,151 47 |
| 1943 | 5,485 15 | 2,666 32 | 8,151 47 |
| 1944 | 5,731 98 | 2,419 49 | 8,151 47 |
| 1945 | 5,989 91 | 2,161 56 | 8,151 47 |
| 1946 | 6,259 47 | 1,892 00 | 8,151 47 |
| 1947 | 6,541 15 | 1,610 32 | 8,151 47 |
| 1948 | 6,835 51 | 1,315 96 | 8,151 47 |
| 1949 | 7,143 11 | 1,008 36 | 8,151 47 |
| 1950 | 7,464 56 | 686 91 | 8,151 47 |
| 1951 | 7,800 38 | 351 09 | 8,151 47 |

Take

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration and which will be finally passed by the Council (in the event of the assent of the electors being obtained thereto) after one month from the first publication in the "Central Canadian" newspaper on the sixth day of December, 1911, and that at the hour, day and places therein fixed for taking the votes of the electors, the polls will be held. Passed 1st and 2nd readings December 4th, 1911; passed 3rd reading January 8th, 1912.

(Seal)

A. R. G. PEDEN, *Clerk.*
DAVID SMYTHE, *Mayor.*

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CHAPTER

## CHAPTER 92.

## An Act to confirm certain By-laws of the Township of Cornwall.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Municipal Corporation of the Township of Cornwall and The Toronto Paper Company by their petitions have prayed that an Act may be passed confirming a certain By-law, being By-law number 847 of the said Township, and a certain agreement made between the Corporation of the Township of Cornwall and The Toronto Paper Company, which are fully set forth in Schedules "A" and "B" respectively to this Act; and whereas the said Municipal Corporation and the St. Lawrence Power Company, Limited, by their petitions have prayed that an Act may be passed confirming a certain By-law, being By-law No. 848 of the said Township, and a certain Agreement made between the said Municipal Corporation and The St. Lawrence Power Company, Limited, which are fully set forth in Schedules "C" and "D" respectively to this Act; and whereas the said Municipal Corporation and The St. Lawrence Paper Mills Company, Limited, by their petitions have prayed that an Act may be passed confirming a certain by-law, being By-law number 849 of the said Township, and an Agreement made between the said Municipal Corporation and The St. Lawrence Paper Mills Company, Limited, which are fully set forth in Schedules "E" and "F" respectively to this Act; and whereas the said by-laws were unanimously passed by the Municipal Corporation of the Township of Cornwall, and the said Agreements were entered into upon certain conditions, which the said Township of Cornwall considers favourable; and whereas it is expedient to grant the prayers of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 847 and agreement confirmed.

**1.** Subject to section 4, By-law number 847 of the Municipal Corporation of the Township of Cornwall, together with the Agreement therein referred to, the said By-law and Agreement being respectively set forth in full in Schedules "A" and "B" to this Act, are hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length, and the provisions thereof

thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

By-law 848 and agreement confirmed.

**2.** Subject to section 4, By-law number 848 of the Municipal Corporation of the Township of Cornwall, together with the agreement therein referred to, the said By-law and Agreement being respectively set forth in full in Schdules "C" and "D" to this Act, are hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length, and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

By-law 849 and agreement confirmed.

**3.** Subject to section 4, By-law number 849 of the Municipal Corporation of the Township of Cornwall, together with the Agreement therein referred to, the said By-law and Agreement being respectively set forth in full in Schedules "E" and "F" to this Act, are hereby confirmed and declared legal, valid and binding, in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

Approval of ratepayers.

**4.**—(1) Subject to subsection 2, the said By-laws and Agreements shall be submitted to and approved of by two-thirds of those voting of the qualified ratepayers in the manner provided by *The Consolidated Municipal Act*, 1903, except that publication of the By-laws and Agreements once a week for two successive weeks in a newspaper published in the Town of Cornwall shall be a sufficient compliance with the provisions of the said Act and the voting on the said By-laws and Agreements may be taken at any time after the expiration of two weeks from the date of the first publication thereof.

Petition to Ont. Ry. and Mun. Board.

(2) It shall not be necessary to submit the said By-laws and Agreements to the ratepayers if the Ontario Railway and Municipal Board certifies that three-fifths of all the ratepayers qualified to vote on the said By-laws and Agreements have petitioned the Board stating that they are in favour of the By-laws and Agreements being confirmed and if the Board so certifies the By-laws and Agreements shall be legal, valid and binding as above provided.

Assessment.

(3) Notwithstanding anything contained in the said By-laws and Agreements, the real estate, buildings, machinery and property of each of the said Companies shall for school purposes and local improvements be assessed and liable to taxation as though the said By-laws had not been passed or the Agreements entered into.

SCHEDULE

SCHEDULE "A."

By-law No. 847.

Of the Corporation of the Township of Cornwall in the County of Stormont, of the year One thousand nine hundred and eleven, for commutation of taxes on the Toronto Paper Company's Mills in the Township of Cornwall:

Whereas, the Corporation of the Township of Cornwall have entered into an agreement bearing even date herewith with the Toronto Paper Company, Limited, to commute the taxes to be paid by the said Toronto Paper Company, Limited, upon their property situate in the Township of Cornwall in the County of Stormont, for a period of ten years from the First day of January, A.D. 1912, and upon the terms, provisoes and conditions in said agreement contained;

And whereas, it is necessary to authorize the Reeve and Clerk to execute the said agreement and attach the corporate seal thereto:

Be it therefore enacted a by-law of the Corporation of the Township of Cornwall,

And it is hereby enacted that the Reeve and Clerk be and they are hereby authorized and empowered to sign and seal with the corporate seal of the Township of Cornwall the said agreement with the Toronto Paper Company, Limited, bearing date the sixth day of November, A.D. 1911;

And it is therefore enacted that the said agreement of the Toronto Paper Company, Limited, shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring legal and valid the said agreement together with this by-law.

Passed in open council, signed and sealed this day of November, A.D. 1911.

(Seal)

(Sgd.) J. W. McLeod,
*Reeve.*

(Sgd.) John Mullin,
*Clerk.*

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SCHEDULE "B."

This agreement made the sixth day of November, in the year of our Lord One thousand nine hundred and eleven, between the Corporation of the Township of Cornwall, in the County of Stormont and Province of Ontario, hereinafter called the Corporation of the First Part, and the Toronto Paper Company, Limited, a body corporate and politic, hereinafter called the Company of the Second Part;

Whereas the Toronto Paper Company, Limited, has for a number of years operated a paper mill and pulp mill in the Township of Cornwall near the Town of Cornwall;

And whereas the Toronto Paper Company, Limited, have made during the last ten years considerable additions to their buildings and machinery connected with their manufacturing property in the Township of Cornwall and have given employment to a large number of people;

And

And whereas, with the increased growth of the country, it is probable that the Toronto Paper Company, Limited, will increase their plant and give employment to a larger number of hands;

And whereas, the corporation of the Township of Cornwall deem it advisable to deal fairly and equitably with the Toronto Paper Company, Limited;

And whereas, the present agreement in regard to taxes expires on the First day of January, A.D. 1912, and the Toronto Paper Company, Limited, have asked for a commutation of taxes for a further period of ten years;

Now this agreement witnesseth that the Corporation of the Township of Cornwall do hereby agree to fix the assessment on all the real estate, buildings, machinery, and property of the Toronto Paper Company now erected or to be erected within a period of three years, for a period of ten years from the First day of January, A.D. 1912, for Municipal purposes at Fifty per cent. of a value fixed at One hundred and fifty-five thousand dollars;

And the Corporation of the Township of Cornwall further agree that the said property shall be exempt from statute labor for a period of ten years, but not from school taxes;

The Toronto Paper Company, on their part, agree to furnish to the Corporation of the Township of Cornwall all the coal cinders not required for their own use, said cinders to be used by the Township of Cornwall for their roads;

The Toronto Paper Company further agrees with the Corporation of the Township of Cornwall to run and operate all and each of their factories in the Township of Cornwall to their full capacity, and to employ not less than one hundred hands, and all and every department thereof, during the said term of ten years, for a period of not less than nine months in the aggregate and in any consecutive period of twelve months, such months to be composed of twenty-six days of ten hours each, and such nine months is to be exclusive of stoppages from any cause whatsoever;

And the said Toronto Paper Company, Limited, further agree with the Corporation of the Township of Cornwall that in the event of the Company making any default in the running of their mills in accordance with the terms aforesaid at any time during the said term of ten years, when and so often as such default shall happen then all the real estate, buildings, machinery and other property of the Company of the Township of Cornwall shall be assessed according to law and be liable for the taxes for the year in which such default happens, as if this agreement had not been entered into, and no Act of the Provincial Legislature had been passed ratifying and validating the same;

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring legal and valid the same together with a by-law of the corporation of the Township of Cornwall authorizing the Reeve and Clerk of the said Municipal Corporation of the Township of Cornwall to execute this agreement;

And it is further agreed that wherever the word "Company" is used in this agreement the same shall be taken and construed to mean the Toronto Paper Company, their successors, assigns and transferees;

In witness whereof the Reeve and Clerk of the Corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal and the President of the Toronto Paper

Company

Company, Limited, has hereunto subscribed his hand and affixed the Company's seal this Sixth day of November, A.D. 1911.

Signed, sealed and delivered,
in the presence of

JAMES W. CRAWFORD.
R. A. PRINGLE.

J. W. McLEOD,
*Reeve.*
JOHN MULLIN,
*Tp. Clerk.*
JOHN R. BARBER,
*President.*
ALF. W. BRIGGS,
*Secretary.*

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SCHEDULE "C."

BY-LAW No. 848

Of the Township of Cornwall in the County of Stormont, of the year One thousand nine hundred and twelve, for fixing the assessment upon the property of the St. Lawrence Power Company situate at or near Sheeks Island in the Township of Cornwall, and upon which the said St. Lawrence Power Company are required to pay municipal taxes for a period of ten years from the first day of January, A.D. 1912.

Whereas, the Corporation of the Township of Cornwall have entered into an agreement bearing even date with the St. Lawrence Power Company to fix the assessment of all the real estate, buildings, machinery, polls, wires, appliances and property immediately used or connected with the St. Lawrence Power Company's plant situate at Sheeks Island in the Township of Cornwall at thirty-three and one-third per cent. for a period of ten years from the first day of January, A.D. 1912, upon the terms, provisoes and conditions in said agreement contained;

And whereas it is necessary to authorize the Reeve and Clerk of the Corporation of the Township of Cornwall to execute the said agreement and attach the corporate seal thereto;

Be it therefore enacted a By-law of the Corporation of the Township of Cornwall,

And it is hereby enacted that the Reeve and Clerk be and they are hereby authorized and empowered to sign and seal with the Corporate seal of the Township of Cornwall the said agreement with the St. Lawrence Power Company bearing date the sixth day of November, A.D. 1911.

And it is therefore enacted that the said agreement with the St. Lawrence Power Company shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring legal and valid the said agreement together with this by-law.

Passed in open Council and sealed this sixth day of November, A.D. 1911.

J. W. McLEOD,
*Reeve.*
JOHN MULLIN,
*Clerk.*

This

SCHEDULE "D."

This agreement made the sixth day of November, in the year of our Lord One thousand nine hundred and eleven, between the Corporation of the Township of Cornwall, in the County of Stormont, and Province of Ontario, hereinafter called the Corporation of the First Part; the St. Lawrence Power Company, Limited, carrying on business in the Township of Cornwall, in the County of Stormont, hereinafter called the Parties of the Second Part.

Whereas, the St. Lawrence Power Company are the Lessees from the Dominion Government of a certain water power at or near the foot of Sheeks Island in the Township of Cornwall, in the County of Stormont;

And whereas, the St. Lawrence Power Company are endeavouring to have manufacturing industries locate at or near Sheeks Island, in the said Township of Cornwall, and the location of such industries would be of great advantage to the Township of Cornwall;

And whereas, a large portion of the money that has been expended by the St. Lawrence Power Company has been expended in the development of the water power, which said power under the terms of their lease with the Dominion Government remains the property of the Dominion Government;

And whereas, the only portion of the St. Lawrence Power Company's plant which is assessable is the building and machinery connected therewith, and the poles, wires and other appliances used in connection with furnishing light and operating the Cornwall Canal;

And whereas, the St. Lawrence Power Company was at one time controlled by M. P. Davis, of the City of Ottawa, in the County of Carleton, and the Township of Cornwall granted to the said M. P. Davis a commutation of taxes for a period of ten years from the first day of January, A.D. 1902;

And whereas, the St. Lawrence Power Company have applied to the Corporation of the Township of Cornwall for a renewal of said commutation of taxes;

And whereas, the Municipal Corporation of the Township of Cornwall do not feel justified in granting a complete renewal of said agreement; but they consider that it would be in the interests of the municipality to commute the taxes to be levied upon the property of the St. Lawrence Power Company;

Now this agreement witnesseth that the Municipal Corporation of the Township of Cornwall hereby agree to fix the assessment on all the real estate, buildings, machinery and property immediately used or connected with the St. Lawrence Power Company's plant at Sheeks Island together with the poles, wires and other appliances used in connection therewith or any other plant which may be constructed within the next two years and connected with the development of further power and which belong to the said St. Lawrence Power Company and which are situate in the Township of Cornwall at thirty-three and one-third per cent. of ninety thousand dollars for a period of ten years from the first day of January, A.D. 1912; all other property such as farm property owned by the St. Lawrence Power Company, Limited, to be assessed in usual way even if submerged for the purposes of the Company.

It is hereby further agreed that the Municipal Corporation hereby further exempt the St. Lawrence Power Company from the performance or payment of statute labour for a period of ten years from the first day of January, A.D. 1912;

And it is further understood between the parties hereto that taxes for municipal and other purposes with the exception of school purposes shall only be levied on the thirty-three and one-third per cent.

of

of ninety thousand dollars, or in other words upon thirty thousand dollars, for a period of ten years from the first day of January, A.D. 1912;

The St. Lawrence Power Company covenant and agree that just as soon as they obtain the power to do so that they will increase the power to be used for industrial and other purposes;

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the same; together with a by-law of the Municipal Corporation authorizing the Reeve and Clerk of the Township of Cornwall to execute this agreement.

In witness whereof the Reeve and Clerk of the Corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal, and the St. Lawrence Power Company have hereunto subscribed their hands and affixed their corporate seal this sixth day of November, A.D. 1911.

Signed, sealed and delivered
in the presence of
C. H. BARBER.
R. A. PRINGLE.

J. W. McLEOD,
*Reeve.*
JOHN MULLIN,
*Tp. Clerk.*

ST. LAWRENCE POWER CO., LTD.
LAWRENCE J. MEAD.
EDW. GRAY,
*Vice-Pres.*

(Seal)

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SCHEDULE "E."

BY-LAW No. 849

Of the Corporation of the Township of Cornwall, in the County of Stormont, of the year One thousand nine hundred and eleven, for fixing the assessment upon any new industry erected by the St. Lawrence Paper Mills Company, Limited, within a period of three years:

Whereas, the Corporation of the Township of Cornwall have entered into an agreement bearing even date herewith with the St. Lawrence Paper Mills Company, Limited, to fix the assessment on all the real estate, buildings and machinery connected with any industry or industries which the St. Lawrence Paper Mills Company, Limited, may establish within a period of three years from this date;

And whereas, it is necessary to authorize the Reeve and Clerk of the Corporation of the Township of Cornwall to execute said agreement and attach the corporate seal thereto;

Be it therefore enacted a By-law of the Corporation of the Township of Cornwall,

And it is hereby enacted, that the Reeve and Clerk be and they are hereby authorized and empowered to sign and seal with the Corporate seal of the Township of Cornwall said agreement with the St Lawrence Paper Mills Company, Limited, bearing date the sixth day of November, in the year of our Lord, One thousand nine hundred and eleven;

And

And it is further enacted, that the said agreement with the St. Lawrence Paper Mills Company, Limited, shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring legal and valid the said agreement together with this by-law.

Passed in open Council, signed and sealed this sixth day of November, in the year of our Lord One thousand nine hundred and eleven.

J. W. McLEOD,
*Reeve.*
JOHN MULLIN,
*Clerk.*

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SCHEDULE "F."

This Agreement, made this Sixth day of November, in the year of our Lord One thousand, nine hundred and eleven, between The Corporation of the township of Cornwall, in the County of Stormont, and Province of Ontario, hereinafter called the Corporation of the First Part, and The St. Lawrence Paper Mills Company, Limited, of the Township of Cornwall, in the County of Stormont, hereinafter called the Company of the Second Part—

Whereas the Corporation of the Township of Cornwall entered into an agreement on the eleventh day of January, A.D. 1904, with Michael P. Davis, of the City of Ottawa, in the County of Carleton, Contractor, wherein it was agreed among other things that the property immediately used or connected with the Cornwall Paper Manufacturing Company, Limited should be exempt from all Municipal Taxes and statute labour for a period of twenty years from the date of said agreement;

And it was further agreed that the Real Estate, buildings, machinery and property immediately used or connected with any other manufacturing industry which might be erected upon the property described in Schedule "A" to the agreement within a period of five years from the date of said agreement should be exempt from municipal taxes and should only pay school rates on an assesment of five thousand dollars for the first ten years and on an assessment of ten thousand dollars for the next ten years.

And whereas the Cornwall Paper Manufacturing Company, Limited, went into liquidation, and the St. Lawrence Paper Mills Company, Limited, are now the owners of the property which formerly belonged to the Cornwall Paper Manufacturing Company, Limited;

And whereas a period of five years covered by said agreement has expired and no additional manufacturing industry has been established;

And whereas the St. Lawrence Paper Mills Company, Limited, have acquired additional Real Estate adjoining the Real Estate which they now own, and are contemplating the erection of another industry;

And whereas the Corporation of the Township of Cornwall consider it advisable in the interests of said Corporation that another industry should be erected which would give employment to a large number of people and which would in every way be in the interests of the said Township;

Now this Agreement witnesseth that the Corporation of the Township of Cornwall hereby covenant and agree to exempt the real estate, machinery and property immediately used or connected with any industry or industries which the said The

Lawrence

St. Lawrence Paper Mills Company, Limited, may erect either by themselves or through their instrumentality within a period of three years from this date from all municipal taxes and statute labour for a period of twenty years from the completion of said industry or industries; but this exemption shall not apply to school taxes;

And in the event of any other manufacturing industries being erected as contemplated they are to furnish to the Corporation of the Township of Cornwall all cinders which they may not require for their own use, said cinders to be used by the Corporation upon the roads in said Township;

It is further agreed between the parties hereto that in the event of any of the land which has been acquired by the St. Lawrence Paper Company, Limited, being used for the purpose of residences or for any other purposes other than manufacturing purposes, then the said property is not to be exempt from taxation but shall pay the usual rates to the Township;

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming, and declaring legal and valid the same, together with a By-law of the Municipal Corporation of the Township of Cornwall authorizing the Reeve and Clerk of the Township of Cornwall to execute this agreement;

In witness whereof the Reeve and Clerk of the Corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal, and the said The St. Lawrence Paper Mills Company, Limited, have also, by their President, executed this agreement and affixed their corporate seal, this Sixth day of November, in the year of Our Lord One thousand nine hundred and eleven.

Signed, Sealed and Delivered in
the presence of
R. A. PRINGLE.
H. E. COLLAN.
A. M. WISMER.

J. W. McLEOD,
*Reeve.*

JOHN MULLIN,
(Seal) *Tp. Clerk.*

ST. LAWRENCE PAPER MILLS CO., LTD.,

I. H. WELDON,
*President.*

S. F. DUNCAN,
*Secretary.*

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## CHAPTER 93.

### An Act to confirm By-Law Number 35 of the Town of Dryden.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Dryden and The Dryden Timber and Power Company, Limited, have by their petition represented that By-law number 35 of the said Town of Dryden, set out in Schedule "A" hereto, was duly submitted to the qualified ratepayers of the said Town as required by *The Consolidated Municipal Act, 1903,* whereupon out of 121 votes entitled to be cast in respect of said by-law, 91 votes were cast in favour thereof, and seven votes were cast against the same; that on the 7th day of November, 1911, the said by-law was finally passed by the Municipal Corporation of the said Town; that no application has been made to quash or set aside the said by-law; that the said Town of Dryden has no debenture debt; and whereas the said petitioners have prayed that the said by-law be validated, ratified and confirmed, and that the said Corporation of the Town of Dryden and the said, The Dryden Timber and Power Company, Limited, be authorized and empowered to do all and any acts necessary to carry out and give full effect to the said agreement, according to the true intent thereof; and whereas no opposition has been offered to the said petition; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 35, of Town of Dryden, confirmed.

**1.**—(1) Subject to the provisions of subsection 2 by-law number 35 of the Municipal Corporation of the Town of Dryden set forth in Schedule "A" to this Act, including the agreement set forth in the Schedule to the said by-law is hereby confirmed and declared legal, valid and binding for all purposes, and the Municipal Corporation of the Town of Dryden and The Dryden Timber and Power Company, Limited, are hereby authorized and empowered

to

to do any and all acts necessary to carry out and give full effect to the said by-law and to the said agreement in all respects and according to the spirit, true intent, and meaning thereof.

Taxation for School purposes and local improvements.

(2) Notwithstanding anything contained in the said by-law the land, property, plant, buildings and business of the said company shall for school purposes and local improvements, be assessed, rated and taxed in all respects, as though the said by-law had not been passed.

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SCHEDULE "A."

By-law No. 35.

A By-law to authorize the Corporation of the Town of Dryden to enter into a certain agreement with The Dryden Timber and Power Company, Limited, and for the purpose of enabling the Corporation to carry out its part of such agreement, to sell "Dryden Park" to the said Company; to exempt them from taxation excepting school taxes for ten years from January 1, 1912, and to fix the rate of assessment of the said Company for the said term at $60,000.

Whereas The Dryden Timber and Power Company, Limited, are contemplating the erection of certain pulp and paper mills and the maintenance of a pulp and paper industry at the Town of Dryden; and whereas for the purposes of carrying out such an undertaking it is found necessary to secure additional land; and whereas the said Corporation of the Town of Dryden is a co-owner of, with the Corporation of the Township of Van Horne, or otherwise entitled to, the property known as "Dryden Park," which property is adjacent to the property now owned by the said Company, and is suitable and necessary for the carrying out of the said purposes or undertaking of the said Company.

And whereas in view of the advantages and benefits which will result to the said Corporation of the Town of Dryden from the maintenance of the said industry, it is deemed expedient to assist the said Dryden Timber and Power Company, Limited, in its said undertaking, and the Council of the Corporation of the Town of Dryden are desirous of assisting the said Company, according to the terms and conditions of the agreement hereinafter set forth:

Therefore the Corporation of the Town of Dryden enacts as follows:—

1. It shall and may be lawful for the said Corporation, and it is hereby empowered, to enter into an agreement (which agreement forms part of this By-law) with The Dryden Timber and Power Company, Limited, to the effect set forth in Schedule "A" hereto, and the Mayor and Clerk for the time being of the said Corporation are hereby authorized to sign, seal with the corporate seal, execute and deliver the above last-mentioned agreement on behalf of the said Corporation.

2. It shall and may be lawful, in pursuance of the said agreement, for the said Corporation, and it is hereby empowered to sell and absolutely dispose of to the said The Dryden Timber and Power Company, Limited, all and singular the above-mentioned real property known as "Dryden Park," particularly described in the agreement hereinafter set forth, and the Mayor and Clerk for the time being of the said Corporation are hereby authorized to sign, seal with the corporate seal, and deliver all documents and do all acts and things necessary to convey the said land in fee simple to the said Company.

3. During the period of ten years from January 1, 1912, the assessment for school purposes of the plant of and the buildings in the Town of Dryden owned, occupied and actually used by the said The Dryden Timber and Power Company, Limited, in connection with their said business, shall be fixed at the sum of Sixty thousand dollars ($60,000), and the return and oath of the assessor or assessors shall be amended accordingly, and upon such assessment during such period of ten years the school taxes and rates shall be levied and collected upon and against the said land substantially in accordance with the agreement hereinafter set forth.

4. During the said period of ten years from January 1, 1912, the said The Dryden Timber and Power Company Company, Limited, shall be exempted from taxation upon their plant and buildings mentioned in the last paragraph hereof, excepting school taxes and rates, all substantially in accordance with the agreement hereinafter set forth.

5. Subject to ratification hereof by the Legislature, this By-law shall come into force on the day of the final passing hereof.

6. That the votes of the electors of the said Municipality entitled to vote on this By-law shall be taken on Wednesday, the 18th day of October, 1911, commencing at 9 o'clock in the forenoon and continuing until 5 o'clock in the afternoon, at the following polling place, within the said Municipality, before A. L. Orvis, Town Clerk: At the Town Hall, Dryden.

7. On Monday, the 16th day of October, 1911, the Mayor of the Town of Dryden shall attend at the Town Hall, at 10 o'clock in the forenoon, to appoint persons to attend at the polling place aforesaid, and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

8. The Clerk of the Town of Dryden shall attend at the Town Hall, at 10 o'clock in the forenoon of Thursday, the 19th day of October, 1911, to sum up the number of votes for and against the said By-law, and to declare the result of the voting thereon.

Passed in Council this 7th day of November, 1911.

ALFRED PITT,
*Mayor.*

A. L. ORVIS,
*Clerk.*

(Seal of the Corporation.)

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SCHEDULE "A" (to the above By-law).

Memorandum of agreement made in duplicate this day of , A.D. 1911,

Between:

The Corporation of the Town of Dryden (hereinafter called the Town), of the first part,

—and—

The Dryden Timber and Power Company, Limited (hereinafter called the Company), of the second part.

Whereas the Company are about to erect a "thirty-ton" pulp mill at Dryden, and to maintain a pulp mill industry; and whereas before proceeding with the expenditure necessary to be made in such a large undertaking it is found necessary to secure additional land adjacent to the property now owned by the said Company

Company for the proper carrying out of its undertaking or purpose as aforesaid; and whereas the property known as "Dryden Park," hereinafter particularly described is adjacent to the Company's property, and is the only suitable land for such purpose; and whereas the Town, in order to secure the erection and maintenance of the said industry and the advantages to be derived thereform, desires to assist the Company in its undertaking; and whereas the Town is the owner of the said "Dryden Park," subject to a certain claim or interest of the Corporation of the Township of Van Horne, and is desirous of acquiring the said claim or interest so as to enable it to transfer the said land in fee simple, as hereinafter set forth:

Now, therefore, the Town and the Company in consideration of the premises and of one dollar by each paid to the other (the receipt whereof is hereby by each acknowledged) and of the mutual covenants and conditions herein contained, mutually covenant, promise and agree each with the other as follows:

1. The Town for the consideration above named will transfer or convey to the Company upon the ratification hereof by the Legislature (or so soon thereafter as the title thereto in fee simple is obtained by them) the property above mentioned, namely: Part of Lot number Four in the Fifth Concession of the said Township of Van Horne, being known as "Dryden Park," more particularly described as follows; that is to say: Commencing where a post has been planted one chain from the water's edge of the Wabigoon River south thirty-nine chains and seven links, thence east ten chains fifty links from the north-west angle of Lot number Four in the Fifth Concession of said Township, thence west astronomically ten chains fifty links to a point thence north astronomically twenty-five chains to a point, thence south sixty-four degrees forty minutes east five chains to a point thence south forty-five degrees fifty-four minutes east twelve chains to a point one chain from the water's edge of Wabigoon River, thence southerly along the shore one chain from the water's edge of Wabigoon River to the place of beginning as shown on a plan of survey by Ontario Land Surveyor, N. T. Ritchie, dated 2nd December, 1897, of record in the Department of Crown Lands, reserving, saving and excepting thereout the reservations, conditions and qualifications mentioned in this agreement, such conveyance or transfer not to be executed or delivered until the Company deposits in the office of the Clerk of the said Town a penalty bond made by a Guaranty Company approved by the Ontario Government the penalty amounting to two thousand ($2,000) dollars in favor of the Town and conditioned that if the Company does not have erected and in operation, on or before January 1st, 1913, a thirty-ton pulp mill substantially according to the purport of this agreement, then the amount of the bond to become forfeited.

2. That the road allowance or right of way sixty-six feet in width as at present existing shall be reserved from the transfer above mentioned, such road allowance to be continued as a public road or street. The Company covenants and agrees to proceed at once with a good and proper survey of the said road allowance in order to fix the exact location of same, and upon completion of such survey to deposit a duplicate of the plans and field notes in the office of the Clerk of the said Town.

3. The Company hereby specifically covenants, promises and agrees to take at all times all due and proper precautions to safeguard the public in the use of the road, or street, last aforesaid and to protect all individuals, horses and other animals, vehicles and all traffic lawfully upon the said road from and against all obstructions, nuisances, inconveniences and dangers arising from the business of the Company or growing out of same, and to indemnify the said Town from and against all loss, costs and damages which the Town

shall or may hereafter suffer or sustain or be made to pay by reason of non-compliance with any of the provisions of this clause.

4. The Town will immediately proceed to acquire the title in fee simple of the said property and the Company promises and agrees to reimburse the Town all costs and moneys expended in so doing.

5. As a further assistance to the said Company the assessment of the Company upon its lands and buildings shall be fixed for school purposes for a period of ten years from January 1, 1912, at $60,000, and school taxes and rates shall be levied and collected against such lands and buildings but no taxes other than school taxes shall be levied or collected against the said lands for the said period. It is understood and agreed that the lands and buildings to which such exemption and fixed assessment applies shall be the plant, lands and buildings actually used and occupied by the Company in connection with its business as aforesaid but shall not include the residences, workmen's houses or buildings of a like nature which shall or may be on property owned by the Company, the intention being that such last named buildings and the lands occupied by them shall be and remain liable to assessment and payment of taxes and rates to as full an extent as if this by-law had not been passed.

6. The said The Dryden Timber and Power Company, Limited, shall, prior to the first day of March in each year during the said period of ten years, file with the Town Clerk a declaration by an officer of the Company who shall therein state his knowledge of the facts, proving and setting forth the properties which are entitled to the exemption and fixed assessment in the last preceding clause.

7. The Company will pay the cost of holding the poll submitting this agreement to the electors of the said Town together with all legal and other expenses in connection therewith.

8. The Town and the Company will make a joint application to the Legislature of the Province of Ontario for the ratification and authorization of the by-law of which this agreement forms part and the cost and expense of and incidental to same shall be borne by the parties hereto equally.

9. The successors and assigns of the Company shall be entitled to the privileges and shall be bound by the terms and conditions of this agreement.

In witness whereof the parties hereto have executed these presents.

Signed, sealed and delivered in the presence of

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## CHAPTER 94.

## An Act respecting the Floating Debt of the Town of Dundas

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Dundas has by petition represented that the said Corporation has incurred a floating debt of about $4,000 in addition to the ordinary expenses of the said Corporation, which debt has been incurred in dredging the Desjardins Canal, in pursuance of the terms of the award of William Tyndale Jennings, late of the City of Toronto, Civil Engineer, deceased, sole arbitrator appointed by The Hamilton and Dundas Street Railway Company and the petitioner by agreement dated 26th March, 1902; the particulars of such debt being as follows:—

| | |
|---|---|
| $8,788.00 | for 33,800 cubic yards earth excavation at 26c. |
| $300.00 | for delay to dredge moving past prohibited ground. |
| $150.00 | for 50 lineal feet sheet piling. |
| $100.00 | for towing charges and rent of scows. |
| $40.00 | paid J. F. Freeborn for permit to dump. |
| $20.00 | paid E. Freeborn for damages to crops. |
| $12.00 | paid E. Freeborn for repairs to fence. |
| $2.00 | paid E. Freeborn for building drain. |
| $150.00 | paid S. Watson *et al.* for permit to dump. |
| $18.00 | paid S. Watson *et al.* for repairs to fence. |
| $10.00 | paid Mitchell & Haines for damages to crops. |
| $10.00 | paid Charles Wilson for damages to crops. |
| $100.00 | paid Hydro-Electric Commission for moving material. |
| $25.00 | paid W. F. Church for clearing roads. |
| $621.70 | paid J. F. Armour for engineer's fees and for plan, etc. |
| $70.00 | paid Tyrell & MacKay for survey, etc. |
| $50.00 | for advertising. |
| $108.00 | for incidentals. |

$10,574.70; 37½% whereof in terms of said award being payable by the petitioner and amounting to $3,965.62.

And

And whereas the said Corporation has further represented that to pay the said floating debt forthwith in addition to meeting the necessary annual expenses of the Corporation would be unduly oppressive to the ratepayers of the said corporation; and whereas it has been made to appear that the members of the Council of the said Corporation are in favour of the consolidation of the said debt; and whereas the said Corporation by its said petition has prayed that the said floating debt may be consolidated and that the said Corporation may issue debentures for the amount thereof; and whereas it is expedient to grant the prayer of the said petitioners.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Floating debt consolidated at $4,000

**1**. The said floating debt of the Corporation of the Town of Dundas is consolidated at the sum of $4,000 and the said Corporation may raise by way of loan, on the credit of its debentures to be issued under the authority of this Act, from any person or persons or body corporate, the sum of $4,000.

Amount of each debenture.

**2**. The said debentures shall be in sums of not less than $100 each and shall be made payable at such places as the Corporation may deem expedient.

Term and mode of payment of debentures.

**3**. A portion of such debentures shall be made payable in each year, for a period not exceeding twenty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which this debt is to be discharged; such interest shall be made payable by coupons, to be attached to the said debentures, if the by-law so directs and shall be at such rate not exceeding five per centum per annum as the said Corporation may direct, and shall be payable half-yearly.

Hypothecation of debentures.

**4**. The said Corporation may for the purpose herein mentioned raise money by way of loan on the said debentures or sell and dispose of the same as may be deemed expedient.

Application of proceeds of debentures

**5**. The said debentures and all moneys arising therefrom shall be applied by the said Corporation to the redemption of the said floating debt of $4,000, and for no other purpose whatsoever.

Assent of electors not required.

**6.** It shall not be necessary to obtain the assent of the ratepayers of the said Corporation to the passing of any By-law or By-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903,* and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the By-law or By-laws to be passed by the said Corporation under the provisions of this Act.

Irregularity in form not to invalidate.

**7.** No irregularity in the form of the said debentures or any of them, or of any By-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder of said debentures shall not be bound to inquire as to the necessity of passing such By-law or issuing debentures, or as to the application of the proceeds thereof.

By-law not to be repealed until debt paid.

**8.** Any By-law to be passed under the provisions of this Act shall not be repealed until the debt created under such By-law and the interest thereon is fully paid and satisfied.

Special rate.

**9.** The said Corporation shall levy on all the rateable property in the said Town, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Floating Debt Rate," and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Other debts not affected.

**10.** Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Dundas from any indebtedness or liability which may not be included in the indebtedness hereby consolidated.

Treasurer to keep proper book of account.

**11.** It shall be the duty of the Treasurer for the time being, of the said Corporation to keep, and it shall be the duty of the members from time to time of the Council of the said Corporation to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively be-

come

come due and payable, and the several amounts which shall from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said Corporation, and of any of the holders from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

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# CHAPTER 95.

## An Act to incorporate the Village of Flesherton.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS certain ratepayers within the Police Village of Flesherton and the ratepayers of that portion of the Township of Artemesia adjoining the said Village comprised within the limits hereinafter mentioned have by Petition set forth that the said Police Village of Flesherton was set apart as a Police Village by by-law of the County Council of the County of Grey in the year 1892 with the following boundaries, namely:—Lots 147, 148, 149, 150, 151, 152 and 153 in the First Range South-West of the Toronto and Sydenham Road, and Lots 147, 148, 149, 150, 151, 152 and 153 in the First Range North-East of the Toronto and Sydenham Road, all in the Township of Artemesia, in the County of Grey, inclusive of all allowances for road within or between the said lands; that the said village now contains 487 inhabitants according to a special census made at the instance of the Police Trustees of said Police Village; that the Petitioners are desirous that the inhabitants of the said Village and of the following lands, namely Lots 154 in the First Range North-East, and 154 in the First Range South-West of the Toronto and Sydenham Road in the Township of Artemesia should be incorporated under the name of The Corporation of the Village of Flesherton, under the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereto; that it is necessary and in the interests of the inhabitants of the said Village that works and improvements should be constructed therein which exceed the powers of Police Trustees; that it would greatly promote the interests and prosperity of the said Village to be incorporated, and have prayed that an Act may be passed to incorporate the said Village; and whereas from the position of the lands in the said Village and for other reasons it has been shown that the area of the said village should extend beyond the limits assigned to incorporated villages by *The Consolidated Municipal Act, 1903;* and whereas it is expedient to grant the prayer of the said petition:

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation of Village of Flesherton.

**1.** On and after the passing of this Act the inhabitants of the said Village of Flesherton and those portions of the Township of Artemesia adjoining the said Village comprised within the boundaries in the second section of this Act mentioned should be and they are hereby constituted a corporation or body politic, separate and apart from the township of Artemesia in which the said village is situated, under the name of the Corporation of the Village of Flesherton, and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred on incorporated villages in the Province of Ontario.

What lands to be comprised in.

**2.** The said Village of Flesherton shall comprise and consist of the lands within the following boundaries, namely: Lots numbers 147, 148, 149, 150, 151, 152, 153 and 154 in the First Range South-West of the Toronto and Sydenham Road, and Lots numbers 147, 148, 149, 150, 151, 152, 153, and 154 in the First Range North-East of the Toronto and Sydenham Road, all in the Township of Artemesia, in the County of Grey.

Nomination and polling.

**3.** On the First day of May, 1912, it shall be lawful for William James Bellamy, of the Village of Flesherton, in the County of Grey, Esquire, who is hereby appointed returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said Village at the hour of noon, and he shall preside at said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to officiate and who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required shall be held on the same day of the week in the week next following the said nomination and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification of candidates and electors.

**4.** At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

Township Clerk to furnish assessment roll to returning officer.

**5.** The Township Clerk of the Township of Artemesia shall furnish to the returning officer upon demand so much of the last revised assessment roll of the said Township, as may be required to ascertain the persons entitled to vote at such first election, or the collector's roll or any other document, writing or statement that may be required for that purpose.

First meeting of council.

**6.** The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said Village at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Application of 3 Edw. VII., c. 19.

**7.** Save as otherwise provided by this Act the provisions of *The Consolidated Municipal Act, 1903,* and of all other general Acts respecting municipal institutions with regard to matters consequent upon the formation of new corporations and other provisions of the Acts applicable to incorporated villages shall apply to the Village of Flesherton in the same manner as they would have been applicable had the said Village of Flesherton been incorporated under the provisions of the said Acts.

Separation from township.

**8.** From and after the passing of this Act the said Village shall cease to form part of the said Township of Artemesia and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Expenses of Act, etc.

**9.** The expenses of obtaining this Act and of furnishing any documents and copies of papers, writings, deeds or any matter whatsoever required by the clerk of the said Village or other officers of the said Village or otherwise shall be borne by the said Village and paid by it to any party that may be entitled thereto.

Electoral district of which village to form part.

**10.** The said Village shall form part of the electoral district of the Centre Riding of the County of Grey.

Time for taking assessment.

**11.** The council of the said Village may pass a by-law for taking the assessment for the year ending the 31st day of *December,* 1912, between the 15th day of June and the 15th day of July, 1912, and in such case the time for closing the Court of Revision shall be the 31st day of August, 1912, and for final return by the Judge of the County Court the 30th day of September, 1912.

Continuation School.

**12.**—(1) For Continuation School purposes the Village shall be deemed to be part of the Township of Artemesia

mesia and all the provisions of *The Continuation Schools Act*, applicable to a rural Continuation School shall apply, except that the council of the Village shall appoint one member and the council of the Township shall appoint two members of the Continuation School Board.

(2) The present Board shall continue to hold office until the 31st day of December, 1912, when the members thereof appointed by the council of the said Township of Artemesia shall cease to hold office.

Repeal of local option by-law.

**13**. The local option by-law now in force in the Township of Artemesia shall continue in force in the said Village until the same shall be repealed by a vote of sixty per cent. of the qualified electors in the said Village who vote thereon.

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CHAPTER

## CHAPTER 96.

## An Act respecting the City of Fort William, 1912

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the City of Fort William has by petition represented that By-laws numbers 1036, 1046 and 1044 of the said City, set out in Schedules One, Three and Four respectively hereto, were each duly published as required by law in a newspaper published at Fort William prior to the date of voting thereon, excepting certain Amendments to the Agreement set forth in By-law number 1046, which amendments were entirely to the City's advantage and made at the request of the ratepayers thereof, and which amendments were given six publications in the daily newspapers of the City prior to the day of voting thereon; that By-law number 1036 was submitted to the electors of the said City entitled to vote thereon on Tuesday, the 5th day of September, 1911, and By-laws numbers 1046 and 1044 were each so submitted on the First day of January, 1912, when the following was the result of the polling in respect of each of such By-laws, namely: —

By-law number 1036.....1,238 votes in favour of, 100 votes against, out of a total of 3,238,
By-law number 1046.....1,328 votes in favour of, 476 votes against, out of a total of 3,335,
By-law number 1044.....1,139 votes in favour of, and 644 against, out of a total of 3,335;

that the said By-law number 1036 was finally passed by the Council of the said City on the 12th day of September, 1911, and each of the said By-laws 1046 and 1044 were so finally passed on the 9th day of January, 1912; and that no application has been made to quash any of the said By-laws, nor is any action pending wherein the validity of any of the said By-laws is or may be called in question; and whereas the said Corporation has by petition further represented that the Municipality of the Township of Paipoonge did on the First day of January, 1912, at the same time as the holding of the municipal elections for 1912, submit a Plebiscite to the

electors

electors of such Municipality entitled to vote on money by-laws as to whether the said electors were in favour of such municipality borrowing $12,500 on its credit and of the Council thereof issuing debentures therefor payable within twenty years from the date of issue thereof and bearing interest at five per centum per annum payable half-yearly, of which Plebiscite due notice in writing was mailed to each of such electors prior to the day of voting thereon, and in addition thereto considerable publicity thereof was given in the daily newspapers published at the City of Fort William aforesaid; and that 74 votes were polled in favour thereof and 35 against; and whereas the petition of the said Corporation has further represented that the Municipality of the Township of O'Connor did on the First day of January, 1912, at the same time as the holding of the municipal elections for 1912, submit a Plebiscite to the electors of such Municipality entitled to vote on money By-laws as to whether the said electors were in favour of such Municipality borrowing $7,500 on its credit and of the Council thereof issuing debentures therefor payable within twenty years from the date of issue thereof and bearing interest at five per centum per annum payable half-yearly, of which Plebiscite due notice in writing was mailed to each of such electors prior to the day of voting thereon, and in addition thereto considerable publicity thereof was given in the daily newspapers published at the City of Fort William; and that 38 votes were cast in favour of such plebiscite and 1 against; and whereas the said Corporation has by petition further represented that the existing Debenture Debt of the said Corporation, exclusive of the Local Improvement Debenture Debt, amounts to $3,205,603.89, made up as follows:—

| | |
|---|---|
| Street Railway Debenture Debt..... | $505,000.00 |
| Waterworks Debenture Debt..... | 887,930.70 |
| Electric Light Debenture Debt..... | 211,366.11 |
| Telephone Debenture Debt..... | 199,000.00 |
| General Debenture Debt..... | 1,130,374.50 |
| School Debenture Debt..... | 271,932.58 |

of which no part of the principal or interest is in arrear, for the payment of which a sinking fund of $393,142.71 has been provided; that the amount of the rateable property of the said Corporation, according to the last revised assessment roll, liable for the general taxation of the said Corporation, is $15,038,269.50, plus $30,000 in cash paid by the Canadian Pacific Railway Company yearly; and whereas the said Corporation has by petition prayed for Special Legislation in respect of the above and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 1036 confirmed.

**1.**—(1) By-law number 1036 of the said City, intituled "A By-law to authorize a certain agreement with Frederick W. King and Joseph A. Kilpatrick," set out in Schedule One hereto, is hereby confirmed and declared to be and always to have been since the 12th day of September, 1911, a legal, valid and binding By-law of the said Corporation.

Agreement between city and Copp Stove Co. confirmed.

(2) The Agreement set out in Schedule Two hereto, dated the 4th day of December, 1911, and made between the Corporation of the City of Fort William of the First Part, and Copp Stove Company, Limited, of the Second Part, is hereby declared to be and to have always been, since the execution thereof, a legal, valid and binding agreement upon the Corporation of the City of Fort William and Copp Stove Company, Limited, respectively, in lieu of the Agreement set forth in Schedule "A" to By-law number 1036.

By-law 1046 confirmed.

**2.**—(1) By-law number 1046 of the said City, intituled "A By-law to raise the sum of $102,000 by way of debentures for the purpose of enabling the City to carry out its part of the Agreement with Frank V. Samwell and authorizing such Agreement," as set out in Schedule Three hereto, is hereby declared to be and to have always been since the 9th day of January, 1912, a legal, valid and existing By-law of the said City, and the Debentures which may or shall hereafter be issued thereunder shall when so issued be valid and binding upon the City Corporation and the ratepayers thereof, and such Debentures may be purchased by the City in the same manner as Local Improvement Debentures.

Power to borrow $50,000 for purchase of site.

(2) The Council of the said City may, without obtaining any further assent of the electors thereto, borrow on the credit of the City Corporation the cost of the site in such last mentioned Agreement referred to (not exceeding, however, $50,000) and may issue Debentures of the said City Corporation therefor as the same may from time to time be required, payable within twenty years from the date of issue thereof, and bearing interest at such rate as the Council deems meet.

When subsecs. 1 and 2 to take effect.

(3) Notwithstanding anything hereinbefore contained, the provisions of subsections 1 and 2 of this section shall not come into force or effect until a further By-law has been passed by the Council of the said City approving of the shareholders, officers and management of the Company to be incorporated pursuant to such last mentioned By-law and agreement, and unless and until such By-law has been passed, such provisions shall have no force or effect.

Power to borrow $10,000 for publicity purposes.

**3.** The Council of the said City may raise and levy upon the whole rateable property in the said City during the current municipal year, and each year thereafter, a sum not exceeding $10,000 for Publicity Purposes and for the Industrial Advancement of the City.

Township of Paipoonge authorized to borrow $12,500 for improving roads.

**4.** The Council of the Municipality of the Township of Paipoonge may, without obtaining the assent of its electors thereto, borrow on the credit of the said Municipality a sum not exceeding $12,500 for the purpose of improving the roads in the said Municipality pursuant to a good roads movement undertaken by the Corporation of the City of Fort William and the Municipalities of Oliver, Neebing, Paipoonge and O'Connor, and the said Council may issue Debentures of the said Corporation therefor, payable within twenty years from the date of issue thereof and bearing interest at such rate as the Council deems meet.

Township of O'Connor authorized to borrow $7,500 for improving roads.

**5.** The Council of the Municipality of the Township of O'Connor may, without obtaining the assent of its electors thereto, borrow on the credit of the said Municipality a sum not exceeding $7,500 for the purpose of improving the roads in the said Municipality pursuant to a good roads movement undertaken by the Corporation of the City of Fort William and the Municipalities of Oliver, Neebing, Paipoonge and O'Connor, and the said Council may issue Debentures of the said Corporation therefor, payable within twenty years from the date of issue thereof and bearing interest at such rate as the Council deems meet.

By-law No. 1044 confirmed.

**6.** By-law number 1044 of the said City, intituled "A By-law to raise the sum of $25,500 by way of Debentures for the purpose of assisting in improving the roads in the District of Thunder Bay in and adjacent to the City of Fort William," as set out in Schedule Four hereto, is hereby declared to be and to have always been since the 9th day of January, 1912, a legal, valid and existing By-law of the said City Corporation, and any and all Debentures which may or shall hereafter be issued thereunder (when so issued) shall be legal and binding upon the said City Corporation and the ratepayers thereof.

Power to borrow $75,000 for waterworks pipe line.

**7.** The Council of the said City may, without obtaining the assent of the electors thereto, borrow on the credit of the said City Corporation, amounts not exceeding in the aggregate $75,000, for the purpose of constructing an additional pipe line in connection with the waterworks system

from

from the tunnel to the reservoir, and the said Council may also issue debentures of the said City Corporation therefor as required, payable within forty years from the date of issuing same, and bearing interest at 4½ per centum per annum, payable half yearly.

**Short title.**

**8.** This Act may be cited as "The City of Fort William Act, 1912."

SCHEDULE 1.

CITY OF FORT WILLIAM.

By-law No. 1036.

**A By-law to authorize a certain agreement with Frederick W. King and Joseph A. Kilpatrick.**

Whereas the Council of the Corporation of the City of Fort William is desirous of securing the establishment and enlargement of the works hereinafter mentioned upon the terms and conditions therein set forth;

Therefore The Corporation of the City of Fort William enacts as follows:—

1. It shall and may be lawful for the said Corporation and it is hereby empowered to enter into an agreement (which agreement forms a part of this By-law) with Joseph A. Kilpatrick and Frederick W. King or the Company to be incorporated pursuant to such agreement to the effect set forth in Schedule "A" hereto, and the Mayor and the Clerk for the time being of the said Corporation are hereby authorized to sign, seal with the Corporate Seal, execute and deliver the above in part recited agreement on behalf of the said Corporation.

2. This By-law shall come into force on the day of the final passing thereof.

3. That the votes of the electors of the said Municipality entitled to vote on this By-law shall be taken on Tuesday, the 5th day of September, 1911, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day, as follows:—

WARD I.

Polling Sub-Division No. 1, at 530 McTavish Street, with W. T. Rankin as Deputy Returning Officer, and Joseph Miller as Poll Clerk.

Polling Sub-Division No. 2, at 638 McTavish Street, with John Cooper, Sr., as Deputy Returning Officer, and John Tiboni as Poll Clerk.

Polling Sub-Division No. 3, at Plumbing and Engineering Supply Co. Office, Simpson Street, with Gilbert Hartley as Deputy Returning Officer, and Fred Hartley as Poll Clerk.

Polling Sub-Division No. 4, at Drew Street School, with W. H. Morrell, Jr., Deputy Returning Officer, and P. W. Gibbons, Poll Clerk.

WARD II.

Polling Sub-Division No. 1, at Lebland's Store, corner Bethune and Hardisty Streets, with John Murie as Deputy Returning Officer, and John Murie, Jr., Poll Clerk.

Polling Sub-Division No. 2, at Sample Rooms at the rear of the Avenue Hotel, with James Hall as Deputy Returning Officer, and Geo. McCall, Poll Clerk.

Polling Sub-Division No. 3, at the City Hall, with C. McKenzie as Deputy Returning Officer, and E. Thompson as Poll Clerk.

Polling Sub-Division No. 4, at House No. 1117 Victoria Avenue, with A. W. Frodsham as Deputy Returning Officer, and I. Fletcher as Poll Clerk.

WARD III.

Polling Sub-Division No. 1, at Costello's Store, Syndicate Avenue, with W. Huston as Deputy Returning Officer, and Thomas Hogg, Poll Clerk.

Polling Sub-Division No. 2, at George Coates' Shop, Marks Street, with J. R. Wells, Deputy Returning Officer, and J. Thompson, Poll Clerk.

WARD IV.

Polling Sub-Division No. 1, at Mount McKay Club, with Geo. Neale as Deputy Returning Officer, and D. Booth, Poll Clerk.

Polling Sub-Division No. 2, at Ward 4 Fire Hall, with G. W. Game as Deputy Returning Officer, and J. Kaempf, Poll Clerk.

4. That on Monday, the 4th day of September, 1911, at the hour of ten o'clock in the forenoon the Mayor of Fort William will attend at the office of the City Clerk for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled by this By-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

5. That on Wednesday, the 6th day of September, 1911, at the hour of ten o'clock in the forenoon, at the Office of the Clerk of the City of Fort William, the Clerk of the said City will proceed to sum up the number of votes given for and against this By-law.

Given under the Corporate Seal of the City of Fort William as witnessed by the hands of its Mayor and Clerk, this 12th day of September, 1911.

THE CORPORATION OF THE CITY OF FORT WILLIAM.

[Seal.]

(Sgd.) Per S. C. YOUNG,
*Mayor.*

Per A. McNAUGHTON,
*Clerk.*

SCHEDULE "A."

Memorandum of Agreement made in triplicate:

Between

The

The Corporation of the City of Fort William (hereinafter called The City), of the first part;

and

Frederick W. King, of the City of London, in the Province of Ontario, General Manager of the McClary Manufacturing Company, Limited, and Joseph A. Kilpatrick, of the City of Montreal, in the Province of Quebec, General Manager of the Canada Iron Corporation, Limited (hereinafter called The Grantees), of the second part;

Now therefore this Agreement witnesseth:—

That in consideration of the covenants and agreements on the part of the City, herein contained, The Grantees covenant and agree with The City as follows:

1. The Grantees shall proceed forthwith to incorporate a Company with a Dominion or Provincial Charter, for the purpose of manufacturing stoves, furnaces, etc., and also to take over the business, plant and property of W. J. Copp, Son and Company, in the City of Fort William, in the Province of Ontario, the said Company to have an authorized capital of not less than $250,000.00, and an authorized bond issue of $150,000.00.

2. That the said Grantees are each to be substantially interested in such Company so to be formed, and are to be amongst the first directors of the said Company, the said Frederick W. King or some other person with equal business reputation in the manufacture of similar goods, is, as soon as the business of the Company is in shape for operation, to take charge of same and reside in the City of Fort William.

3. That the said Company is to have its Head Office and manufacturing and producing works at the City of Fort William, and will fulfil the statutory requirements as to maintaining its Head Office at Fort William.

4. The Company is to purchase and acquire the good-will, business, plant and property of W. J. Copp, Son and Company of the City of Fort William.

5. The Company is to increase and improve the plant and property so acquired from the said W. J. Copp, Son and Company as rapidly as the state of trade will permit, and, in any event, so as to employ and keep employed in connection therewith in the said City, in each of the years hereinafter mentioned (but only so long as the first party carries out its obligations as herein provided), a sufficient number of men for a sufficient number of days to equal as follows:—

(*a*) During the year 1912, 100 men for 200 days of 10 hours each;

(*b*) During the year 1913, 150 men for 200 days of 10 hours each;

(*c*) During the year 1914, 200 men for 200 days of 10 hours each;

(*d*) During the year 1915, and each and every year thereafter, until and including the year 1923, 250 men for 200 days of 10 hours each.

6. That all fire insurance placed or held by the Company upon any of its property situated in the City of Fort William shall, during the currency hereof, be placed with or through the local fire insurance agents residing and carrying on business in the City of Fort William, provided such insurance can be placed at equally good rates with outside quotations.

7. That all men employed by the said Company, or employed in or about the said works, or employed by any contractor or subcontractor or otherwise in the erection or operation of such plant and works, shall be paid in cash in the said City of Fort William or by cheque on some bank in the City of Fort William.

8. That the pay roll and books of the Company shall be open for inspection by the city, during the period of exemption granted by the City of Fort William, the said inspection to be made through a duly chartered accountant, acceptable to the second parties, which inspection may be made at such times and hours as may be found convenient to the second parties, and if so required, the Company shall from time to time during the said term, satisfy the city by declaration or affidavit that they have complied with the provisions hereof.

In witness whereof, the City covenants and agrees with the Grantees as follows:—

1. The City will and does hereby exempt all the Company's property which may be situated upon and including the property to be acquired from W. J. Copp, Son and Company, as well as any subsequent additions made from time to time on the Company's property and plant, and which is used in connection with and solely for the purpose of such manufacture, including the raw material to be used therein, and the products thereof, from all general municipal taxation of the City, excepting school taxation, local improvement rates and taxation imposed for public parks, for so long of the period of ten years commencing with the year Nineteen hundred and fourteen (1914) as the Company shall fully comply with the terms and conditions of this agreement as herein set forth;

Provided, however, that no dwelling houses used and occupied as dwellings which may be situated upon the lands exempt hereby, shall be exempt from any general and municipal taxation under this agreement.

2. Time shall be of the essence of this agreement.

3. That the City will as accommodation and as surety for the Company, guarantee the principal and interest of One hundred and fifty thousand dollars ($150,000.00) of the authorized bond issue of the Company, secured as hereinafter mentioned, payable in twenty years and bearing interest at four and one-half per cent. per annum, payable half-yearly, and the City will execute and deliver such guarantee on demand, as follows:

(*a*) On Seventy-five thousand dollars of such bonds, when the said Company has secured a good registered title in fee simple, free from all encumbrance, of all the lands, good-will, plant, stock-in-trade and property of W. J. Copp, Son and Company;

(*b*) On Twenty-five thousand dollars when the said Company has expended the sum of Fifty thousand dollars in and toward the extension and improvement of the plant and property of the said W. J. Copp, Son and Company;

(*c*) On Twenty-five thousand dollars when the said Company has expended the sum of One hundred thousand dollars in and towards the extension and improvement of the plant and property of the said W. J. Copp, Son and Company;

(*d*) On the remaining Twenty-five thousand dollars when the said Company has expended One hundred and fifty thousand dollars in and towards the extension and improvement of the plant and property of the said W. J. Copp, Son and Company.

4. The proceeds of the total bond issue of the said Company to be guaranteed as aforesaid, are to be placed in the treasury of the said

said Company, and are to be used solely for the purpose of acquiring and taking over the business, plant and property of W. J. Copp, Son and Company and of making extensions and additions to the Company's property.

5. A deed of first mortgage and trust of all the property of the Company shall be executed and delivered in favor of a trust company doing business in the Dominion of Canada, mutually satisfactory to the City and the Company, securing the bond issue of the Company and the interest thereon to be guaranteed by the City as aforesaid.

6. As soon as the said Company is incorporated the City will enter into a similar agreement with the Company in lieu of this agreement, and which new agreement when executed shall *ipso facto* release the parties of the second part from any personal claim herein.

7. This agreement shall inure to the benefit of the parties or their assigns.

In witness whereof the Corporate Seal of the said City and the hands and seals of the Grantees this 11th day of September, A.D. 1911.

In the presence of:

[Seal.]

(Sgd.) F. H. KING.
J. A. KILPATRICK,
S. C. YOUNG,
*Mayor.*
A. McNAUGHTON,
*Clerk.*

SCHEDULE 2.

Memorandum of Agreement made in triplicate:

Between

The Corporation of the City of Fort William (hereinafter called the City), of the first part,

and

Copp Stove Company, Limited, incorporated under the laws of the Province of Ontario, and having its Head Office at the City of Fort William, in the Province of Ontario (hereinafter called the Company), of the second part.

Whereas the City did, on the 11th day of September, 1911, enter into a written agreement with Frederick W. King and Joseph A. Kilpatrick;

And whereas the company to be incorporated under the above in part recited agreement has been incorporated in accordance with the said agreement, and is now known as the Copp Stove Company, Limited, with a capital stock of not less than $250,000 and an authorized bond issue of $150,000;

And whereas the said Frederick W. King and Joseph A. Kilpatrick are each substantially interested in such Company and are amongst the first Directors thereof;

And whereas the said Frederick W. King is the General Manager of the business of the Company and in charge thereof as such, and is also residing in the said City of Fort William;

And

And whereas in and by the above in part recited agreement it was provided that as soon as the Company was incorporated the City would enter into a similar agreement with the Company in lieu of the above in part recited agreement, and that this agreement when executed shall *ipso facto* release the said Messrs. King and Kilpatrick from any personal claim in respect thereof;

Now therefore this agreement witnesseth, in consideration of the covenants and agreements on the part of the City herein contained, the Company covenants and agrees with the City as follows:

1. That the said Company is to have its Head Office and manufacturing and producing works at the City of Fort William, and will fulfil the statutory requirements as to maintaining its Head Office at Fort William.

2. The Company is to purchase and acquire the goodwill, business, plant and property of W. J. Copp, Son and Company, of the City of Fort William.

3. The Company is to increase and improve the plant and property, so acquired from the said W. J. Copp, Son and Company as rapidly as the state of trade will permit, and, in any event, so as to employ and keep employed in connection therewith in the said City, in each of the years hereinafter mentioned (but only so long as the first party carries out its obligations as herein provided), a sufficient number of men for a sufficient number of days to equal as follows:

(*a*) During the year 1912, 100 men for 200 days of 10 hours each;

(*b*) During the year 1913, 150 men for 200 days of 10 hours each;

(*c*) During the year 1914, 200 men for 200 days of 10 hours each;

(*d*) During the year 1915, and each and every year thereafter, until and including the year 1923, 250 men for 200 days of 10 hours each.

4. That all fire insurance placed or held by the Company upon any of its property situated in the City of Fort William shall, during the currency hereof, be placed with or through the local fire insurance agents residing and carrying on business in the City of Fort William, provided such insurance can be placed at equally good rates with outside quotations.

5. That all men employed by the said Company, or employed in or about the said works, or employed by any contractor or subcontractor, or otherwise in the erection or operation of such plant and works, shall be paid in cash in the said City of Fort William, or by cheque on some bank in the City of Fort William.

6. That the pay roll and books of the Company shall be open for inspection by the City during the period of exemption granted by the City of Fort William, the said inspection to be made through a duly Chartered Accountant acceptable to the second party, which inspection may be made at such times and hours as may be found convenient to the second party, and if so required the Company shall, from time to time during the said term, satisfy the City, by declaration or affidavit, that they have complied with the provisions hereof;

In witness whereof the City covenants and agrees with the Company as follows:

1. The City will and does hereby exempt all the Company's property which may be situated upon and including the property to

to be acquired from W. J. Copp, Son and Company, as well as any subsequent additions made from time to time on the Company's property and plant, and which is used in connection with and solely for the purpose of such manufacture, including the raw material to be used therein, and the products thereof, from all general municipal taxation of the City, excepting school taxation, local improvement rates and taxation imposed for public parks, for so long of the period of ten years commencing with the year nineteen hundred and fourteen (1914) as the Company shall fully comply with the terms and conditions of this agreement as herein set forth;

Provided, however, that no dwelling houses used and occupied as dwellings which may be situated upon the lands exempt hereby shall be exempt from any general and municipal taxation under this agreement.

2. Time shall be the essence of this agreement.

3. That the city will, as accommodation and as surety for the Company, guarantee the principal and interest of One hundred and fifty thousand dollars ($150,000) of the authorized bond issue of the Company, secured as hereinafter mentioned, payable in twenty years and bearing interest at four and one-half per cent. per annum, payable half-yearly, and the City will execute and deliver such guarantee on demand as follows:

(*a*) On Seventy-five thousand dollars of such bonds, when the said Company has secured a good registered title in fee simple free from all encumbrance, of all the lands, goodwill, plant, stock-in-trade and property of W. J. Copp, Son and Company;

(*b*) On Twenty-five thousand dollars when the said Company has expended the sum of Fifty thousand dollars in and towards the extension and improvement of the plant and property of the said W. J. Copp, Son and Company;

(*c*) On Twenty-five thousand dollars when the said Company has expended the sum of One hundred thousand dollars in and towards the extension and improvement of the plant and property of the said W. J. Copp, Son and Company;

(*d*) On the remaining Twenty-five thousand dollars when the said Company has expended One hundred and fifty thousand dollars in and towards the extension and improvement of the plant and property of the said W. J. Copp, Son and Company.

4. The proceeds of the total bond issue of the said Company to be guaranteed as aforesaid are to be placed in the treasury of the said Company, and are to be used solely for the purpose of acquiring and taking over the business, plant and property of W. J. Copp, Son and Company, and of making extensions and additions to the Company's property.

5. A Deed of First Mortgage and Trust of all the property of the Company shall be executed and delivered in favor of a Trust Company doing business in the Dominion of Canada mutually satisfactory to the City and the Company, securing the bond issue of the Company, and the interest thereon to be guaranteed by the City as aforesaid.

6. This agreement shall inure to the benefit of the parties or their assigns.

In witness whereof the Corporate Seal of the City and Company respectively and the hands of their respective officers in that behalf this 4th day of December, 1911.

THE

THE CORPORATION OF THE CITY OF FORT WILLIAM.

Per S. C. YOUNG,
*Mayor.*

[Seal.]

Per A. MCNAUGHTON,
*Clerk.*

COPP STOVE COMPANY, LIMITED.

Per JAS. MURPHY,
*Vice-President.*
Per CHAS. E. PIPER,
*Secretary.*

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SCHEDULE 3.

CITY OF FORT WILLIAM.

BY-LAW No. 1046.

A By-law to raise the sum of $102,000 by way of debentures for the purpose of enabling the City to carry out its part of the agreement with Frank V. Samwell and authorizing such agreement.

Whereas the Council of the said City deem it desirable, in the best interest of the City that the agreement hereinafter set forth as Schedule "A" hereto should be made and entered into with Frank V. Samwell, or the Company to be incorporated thereunder;

And whereas in order to enable the City to carry out its part of the said agreement the City will require to raise the sum of $102,000 by way of debentures, including the cost of submitting this By-law and printing and selling the debentures hereunder;

And whereas the said sum of $102,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll, is $15,038,269.50, plus a sufficient further amount to produce $30,000 in taxes in each year, such said sum of $30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation;

And whereas the existing debenture debt of the said City, exclusive of the local improvement debentures, amounts to $3,205,603.89, made up as follows:

| | |
|---|---|
| Street Railway Debenture Debt ..... | $505,000 00 |
| Waterworks Debenture Debt ..... | 887,930 70 |
| Electric Light Debenture Debt ..... | 211,366 11 |
| Telephone Debenture Debt ..... | 199,000 00 |
| General Debenture Debt ..... | 1,130,374 50 |
| School Debenture Debt ..... | 271,932 58 |

Of which no part of the principal or interest is in arrear, and for the payment of which a sinking fund of $393,142.71 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said Corporation to the amount of $102,000, bearing interest at four and one-half per centum per annum,

And whereas it will require the sum of $4,590.00 to be raised annually for a period of ten years (the currency of the debentures to be issued under and by virtue of this By-law), to pay the interest on the said debt, and the sum of $8,897.51 to be raised annually during

during the said period for the payment of the said debt intended to be created by this By-law, such last-mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due and payable, making in all the sum of $13,487.51 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of $13,487.51 to be raised annually for a period of ten years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid;

Therefore the Corporation of the City of Fort William enacts as follows:

1. That the said Corporation be, and it is hereby authorized to enter into an agreement with Frank V. Samwell or the Company referred to in the agreement hereinafter mentioned, to the effect set forth in Schedule "A" hereto, and the Mayor and Clerk respectively of the said Corporation for the time being are hereby authorized to sign, seal with the Corporate Seal, execute and deliver the same on behalf of this Corporation.

2. It shall and may be lawful for the said Corporation, and it is hereby empowered to borrow the said sum of $102,000, on the credit of the said Corporation for the purposes aforesaid, and to issue debentures of the said Corporation to the extent of $102,000, either in currency or sterling money, in sums of not less than $100 Canadian currency, or £20 sterling each, payable within ten years from the date of issuing such debentures, and to bear interest at four and one-half per centum per annum, payable half-yearly.

3. The said debentures shall bear date as of the day of issue thereof, and shall be signed by the Mayor and Treasurer thereof, and sealed with the Corporate Seal.

4. During the said period of ten years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City, in addition to all other rates, levies and assessments, the said sum of $4,590.00 to pay the interest on the said debentures, and also the further sum of $8,897.51 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of $13,487.51 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of interest thereon, and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London, England.

6. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable, except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

7. This by-law shall come into force on the day of the final passing thereof.

8. That the votes of the electors of the said Municipality entitled to vote on this By-law shall be taken on Monday, the First day of January, 1912, and the polls shall be held at the same hour, on the same day, at the same places, and by the same deputy returning officers and poll clerks as the Municipal elections for 1912 will be held.

9. That on Saturday, the 30th day of December, 1911, at the hour of ten o'clock in the forenoon, the Mayor of Fort William will attend at the office of the City Clerk, for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this By-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

10. That on Wednesday, the 3rd day of January, 1912, at the hour of ten o'clock in the forenoon, at the office of the Clerk of the City of Fort William, the Clerk of the said City will proceed to sum up the number of votes given for and against this By-law.

Given under the Corporate Seal of the City of Fort William, as witnessed by the hands of its Mayor and Clerk, this 9th day of January, 1912.

THE CORPORATION OF THE CITY OF FORT WILLIAM.

Per S. C. YOUNG,
*Mayor.*

[Seal.]

Per A. MCNAUGHTON,
*Clerk.*

Memorandum of Agreement made in triplicate this First day of November, 1911.

Between

The Corporation of the City of Fort William (hereinafter called the City), of the first part;

and

Frank V. Samwell, of the City of Guelph, in the Province of Ontario (hereinafter called the Grantee), of the second part.

Whereby the City and the Grantee mutually covenant, promise and agree each with the other of them as follows:

1. The Grantee shall proceed forthwith to incorporate a Company with a Dominion Charter, for the purpose, among other things, of manufacturing wrought iron and steel pipe in the City of Fort William, in the Province of Ontario, with a capital of not less than $500,000, of which not less than $200,000 shall be fully paid up, and no stock whatever shall be issued as a bonus upon or in connection with the sale of the said stock.

2. The said Company is to have its head office, manufacturing and producing works at the City of Fort William, and is to carry on all its business from the City of Fort William.

3. The Company is to proceed to erect on the site hereinafter mentioned a plant, works and equipment for the purpose of manufacturing, among other things, wrought iron and steel pipe, and such plant, works and equipment shall be ready for operation within twelve months from the date hereof, provided, however, if the Company is delayed by fire, accidents, strikes, non-delivery of material or other matters beyond its control, the time so lost shall be added to the twelve months aforesaid.

4. Upon deposit with the City of the cost to the City of such site, the City is to furnish a site in the City of Fort William to be selected by the Grantees, at a price mutually satisfactory to the Council of the Company, from the available sites for manufactur-

ing

ing purposes, of from ten to fifteen acres and having a river frontage of about 500 feet, and the amount of such deposit up to $50,000 shall be returned to the Company by the City with interest at 6 per cent. per annum as follows: $25,000 upon the completion of the said plant, works and equipment and the commencement of operation thereof in accordance herewith, and the balance in three equal annual instalments as follows:

(*a*) The first of such instalments upon the completion of the said plant, works and equipment and its operation in accordance herewith for a period of one year.

(*b*) The second of such instalments upon such completion and operation for a period of two years, and

(*c*) The third of such instalments upon such completion and operation for a period of three years.

The Understanding being that if the site cost more than $50,000 the City is to retain for its own use and benefit to apply in and toward the cost of such site the amount in excess of $50,000, and that the amount in excess of $50,000 is not to be returned to the Company in any event.

5. The cost of the plant, works and equipment of the Company is to be not less than $200,000.

6. The City is to make a loan to the Company of $100,000 to be advanced as follows:—

(*a*) $50,000 of the said loan when and so soon as the Company has expended $100,000 in and toward the erection of such plant, works and equipment, and

(*b*) The remaining $50,000 when and so soon as the said plant, works and equipment have been fully completed.

7. The City shall issue debentures to the amount of $100,000 payable within ten years and bearing interest at four and one-half per centum per annum payable half-yearly in order to raise the said $100,000.

8. Before any moneys on account of such loan are advanced by the City, the Company shall execute and deliver to the City, a first mortgage in fee simple for the said sum of $100,000 on the said site, buildings, equipment and works, repayable with interest at four and one-half per centum per annum on the same days and times and in the same amounts as to both principal and interest as the City has to pay each year for interest and sinking fund to take care of the payment of the debentures for $100,000 to be issued by the City as aforesaid.

9. The Company is to operate the said plant, works and equipment during the term of such debentures and exemption herein granted so as to have employed and engaged at the commencement of operation of such plant, works and equipment on or before the date fixed for such commencement of operations not less than 200 men, and thereafter said Company is to operate said plant, works and equipment so as to employ and keep employed in connection therewith in the said City during each of the first, second and third years thereafter a sufficient number of men for a sufficient number of days to equal 200 men for 250 days at least, unless prevented by causes beyond the control of the Company, and so as to employ and keep employed in connection therewith during each and every year thereafter until the expiry of the term of such debentures and the exemption herein granted a sufficient number of men for a sufficient number of days to equal 300 men for 250 days at least, unless prevented by causes beyond the control of the Company.

10. That all fire insurance placed or held by the Company upon any of its property situated in the City of Fort William shall, during the currency hereof, be placed with or through the local Fire Insurance Agents residing and carrying on business in the City of Fort William, provided such insurance can be placed at equally good rates with outside quotations.

11. That all men employed by the said Company or employed in or about the said works, or employed by any contractor or sub-contractor or otherwise in the erection or operation of such plant and works, shall be paid in cash in the said City of Fort William or by cheque on some bank in the City of Fort William.

12. That all men employed by the Company, or employed by any contractor or sub-contractor, or otherwise, in the erection or operation of such plant, works and equipment, shall be paid not less than the standard wages from time to time in force in Fort William for their respective trades, and that all such men shall be paid bi-monthly.

13. That the pay-rolls and books of the Company shall be open for inspection by the City during the period of exemption granted by the City of Fort William, the said inspection to be made through a duly Chartered Accountant acceptable to the Company, which inspection may be made at such times and hours as may be found convenient to the Company, and if so required, the Company shall from time to time during the said term, satisfy the City by declaration or affidavit that they have complied with the provisions hereof.

14. The City will and doth hereby exempt all the property of the Company in the City of Fort William which is used in connection with and solely for the purpose of such manufacture, including the raw material to be used therein and the products thereof, from all general municipal taxation of the City, excepting school rates, local improvement rates and taxation imposed for public parks, public libraries and hospitals, for so long of a period of ten years, commencing with the year 1912, as the Company shall fully comply with the terms and conditions of this Agreement as herein set forth; provided however, that no dwelling house which may be situate upon the lands exempt hereby shall be included in such exemption.

15. Time will be the essence of this Agreement.

16. As soon as the said Company is incorporated the City will enter into a similar Agreement with the Company in lieu of this Agreement, and which new Agreement when executed shall *ipso facto* release the party of the Second Part from any personal liability herein.

17. This Agreement shall not come into force or effect until approved by the ratepayers of the said City and ratified by the Legislative Assembly of the Province (if necessary) and until and unless so approved shall have no force or effect.

17 (*a*). Notwithstanding anything herein contained the City shall not be bound to legalize this Agreement unless and until the Council of this City for the year 1912 is satisfied with the shareholders, officers and management of the Company.

18. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the Company and the City respectively.

IN WITNESS WHEREOF the Corporate Seal of the said City and the hands of its proper officers in that behalf and the hand and Seal of the Grantee.

Signed

Signed, Sealed and Delivered in the Presence of

(Sgd.) N. COVENEY.

(Sgd.) S. C. YOUNG, *Mayor.*

[Seal.]

(Sgd.) A. MCNAUGHTON, *City Clerk.*

(Sgd.) F. V. SAMWELL.

(Sgd.) W. E. BUCKINGHAM, as to signature of Frank V. Samwell.

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SCHEDULE 4.

CITY OF FORT WILLIAM.

BY-LAW No. 1044.

A By-law to raise the sum of $25,500 by way of Debentures for the purpose of assisting in improving the roads in the District of Thunder Bay in and adjacent to the City of Fort William.

And whereas the Council of The Corporation of the City of Fort William is of opinion that the City of Fort William should contribute the sum of $25,500, including the cost of submitting this By-law and of printing and selling the debentures to be issued hereunder, towards the cost of improving the roads in the District of Thunder Bay in and adjacent to the City of Fort William;

And whereas the said sum of $25,500 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll, is $15,038,269.50, plus a sufficient further amount to produce $30,000 in taxes in each year, such said sum of $30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation;

And whereas the existing debenture debt of the said City, exclusive of the local improvement debentures, amounts to $3,205,603.89, made up as follows:—

| | |
|---|---|
| Street Railway Debenture Debt | $505,000.00 |
| Waterworks Debenture Debt | 887,930.70 |
| Electric Light Debenture Debt | 211,366.11 |
| Telephone Debenture Debt | 199,000.00 |
| General Debenture Debt | 1,130,374.50 |
| School Debenture Debt | 271,932.58 |

of which no part of the principal or interest is in arrear for the payment of which a sinking fund of $393,142.71 has been provided;

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said Corporation to the amount of $25,500, bearing interest at four and one-half (4½) per centum per annum;

And whereas it will require the sum of $1,147.50 to be raised annually for a period of 20 years (the currency of the debentures to be issued under and by virtue of this By-law) to pay the interest on the said debt, and the sum of $949.00, to be raised annually

during

during the said period for the payment of the said debt intended to be created by this By-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable, making in all the sum of $2,096.50 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of $2,096.50 to be raised annually for a period of 20 years, by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid;

Therefore the Corporation of the City of Fort William enacts as follows:—

1. It shall and may be lawful for the said Corporation, and it is hereby empowered to borrow the said sum of $25,500, on the credit of the said Corporation for the purposes aforesaid, and to issue debentures of the said Corporation to the extent of $25,500, either in currency or sterling money, in sums of not less than $100, Canadian currency or £20 sterling, each payable within 20 years from the date of issuing such debentures, and to bear interest at four and one-half per centum per annum, payable half yearly.

2. The said debentures shall bear date as of the day of the issue thereof and shall be signed by the Mayor and Treasurer thereof and sealed with the Corporate Seal.

3. During the said period of 20 years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said city, in addition to all other rates, levies and assessments, the said sum of $1,147.50, to pay the interest on the said debentures, and also the further sum of $949.00 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of $2,096.50 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of interest thereon, and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London, England.

5. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

6. This By-law shall come into force on the day of the final passing thereof.

7. That the votes of the Electors of the said Municipality entitled to vote on this By-law shall be taken on Monday, the first day of January, 1912, and the polls shall be held at the same hour, on the same day, at the same places, and by the same Deputy Returning Officers and Poll Clerks as the municipal elections for 1912 will be held.

8. That on Saturday, the 30th day of December, 1911, at the hour of ten o'clock in the forenoon, the Mayor of Fort William will attend at the Office of the City Clerk for the purpose of appointing, in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this By-law, and also

of

of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in or desirous of opposing the passing of this By-law.

9. That on Wednesday, the 3rd day of January, 1912, at the hour of ten o'clock in the forenoon, at the office of the Clerk of the City of Fort William, the Clerk of the said City will proceed to sum up the number of votes given for and against this By-law.

Given under the Corporate Seal of the City of Fort William, as witnessed by the hands of its Mayor and Clerk this 9th day of January, 1911.

THE CORPORATION OF THE CITY OF FORT WILLIAM.

Per S. C. YOUNG
*Mayor.*

[Seal.]

Per A. MCNAUGHTON,
*Clerk.*

# CHAPTER 97.

## An Act respecting the Town of Gananoque.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Gananoque has by its petition represented that it has incurred a floating indebtedness of $12,400 for the following purposes, namely, $6,000 for the purchase of a second Pump in connection with the Water service and Fire requirements of the Town, the same becoming necessary for ensuring a satisfactory service at all times, in the event of any accident to existing Pump; $2,400 balance due on the purchase of a Steam Roller and other Road Machinery and Equipment in order that the roads and streets of the Town may be put and maintained in good condition, and $4,000, a general floating debt incurred by said Town; that the said Corporation further requires the sum of $3,600 for much needed present requirements, namely, $2,000 for repairs and improvements to the Town Hall property and the Public Park, the same consisting of a valuable property recently deeded to be used as a Town Hall and for other Public purposes, such as Free Library, Police Department, and other public purposes, together with a large quantity of land to be used as a Public Park, and the further sum of $1,600 for the construction of a Cement pavement on or near the river front of said Town; that the debenture debt of said Town, exclusive of local improvement debts, is $205,545, of which no part of the principal or interest is in arrear; and whereas the value of the rateable property of said Corporation according to the last Revised Assessment Roll is $1,371,680, and the rate for Municipal purposes for 1911 was nineteen and one-half mills on the dollar; and whereas the payment forthwith of the said floating debt of $12,400 as well as the expenditure of $3,600 for much needed improvements would, in addition to meeting the necessary annual expenditures of the Corporation, be unduly burdensome and oppressive on the ratepayers, and the said Corporation has prayed that authority be given to borrow $12,400 to pay off said floating debt and $3,600 for pressing urgent expenditures; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Floating debts consolidated at $12,400.

**1.** The floating debt of the Corporation of the Town of Gananoque is consolidated at the sum of $12,400, and the said Corporation may borrow by a special issue of debentures a sum not exceeding $12,400 for the purpose of paying the said floating debt.

Power to borrow $3,600.

**2.** The said Corporation may also borrow by a special issue of debentures a sum not exceeding $3,600 for repairs and improvements to Town Hall and Public Park, and for Cement sidewalks on river front of said Town.

Form of debentures.

**3.** The said debentures shall be made payable in not more than 30 years from the date of issue thereof, and shall bear interest at a rate not exceeding 5 per cent. per annum, and may be issued with or without coupons attached thereto for interest, and shall be payable at such place or places as the Corporation may deem expedient.

Equal annual instalments of principal and interest.

**4.** The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debts are to be discharged.

Special rates.

**5.** The said Corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures, and may if necessary for such purposes impose a rate in excess of 20 mills upon the dollar of the Municipal assessment of said Town.

Application of proceeds of debentures.

**6.** The debentures and all moneys arising from the sale thereof under section 1 shall be applied in payment of said floating debt and for no other purpose, and the debentures and all moneys arising therefrom under section 2 shall be applied to the purposes mentioned in that section and for no other purpose.

Assent of electors not required.

**7.** It shall not be necessary to obtain the assent of the electors or ratepayers of the Town of Gananoque to the passing of any By-law which shall be passed under the authority of this Act or for the purpose of carrying out the same or to observe the formalities in relation thereto required by *The*

*Consolidated*

*Consolidated Municipal Act, 1903*, or any amendments thereto.

Irregularity in form not to invalidate.

**8.** No irregularity in the form of the said debentures or any of them or of any By-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such By-law or of issuing debentures or as to the application of the proceeds thereof.

Treasurer to keep proper books of account.

**9.** It shall be the duty of the Treasurer, for the time being of the said Town, to keep, and it shall be the duty of each of the members from time to time of the said Municipal Council to procure such Treasurer to keep and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall always show the number of debentures which from time to time shall be issued under the powers conferred by the preceding sections, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or disposals of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Town and of any of the holders, from time to time of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

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CHAPTER

# CHAPTER 98.

## An Act respecting the Town of Gravenhurst

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Gravenhurst has, by petition, shown that the existing debenture debt of the said town amounts for revenue-producing purposes to the sum of $108,328.74, made up as follows:—Electric light purchase, $25,071.33; water works debentures, $20,000; water works extension, $7,000; Hydro-Electric power station, $56,257.41; and for general purposes the further debenture debt, totalling $45,939.49, made up as follows:—For cement sidewalks, $7,128.07; for municipal purposes, $2,578.31; for fire hall equipment, $1,812.11; for town hall, $5,471.05; for high school building site, $3,142.90; for consolidated municipal debentures, $8,898.97; for Clark Mfg. Co. bonus, $8,898.97; for town park purchase, $1,779.81; and for grant in aid of Hospital for Consumptives, $6,229.30, from which total stands to be deducted a sinking fund at interest amounting to $1,536.67; that in addition to the said debenture debt the said Corporation has contracted a floating indebtedness amounting in all to about $8,000, which includes $4,500 paid to the plaintiffs in settlement of an action in the High Court of Justice, entitled "Young vs. Gravenhurst," arising out of an accident which happened in connection with the electric light system of the said town; that a further sum of $3,500 is required to defray an indebtedness to the Dominion Bank, incurred partly in respect of certain repairs undertaken in connection with the said electric light plant in consequence of the said accident, which repairs are of a permanent character, and partly in respect of the necessary costs of defending the said action; that the value of the whole rateable property of the said town, according to the last revised assessment roll is $530,934, and the tax rate imposed for the year 1911 was for general purposes 20 mills on the dollar besides school rates; that to pay the said floating indebtedness out of the annual rates and to raise the sum required annually to meet the principal and interest falling due on account of the existing debenture

indebtedness

indebtedness would be unduly oppressive to the ratepayers of the said town and would require the imposition of a tax rate considerably above 20 mills on the dollar, exclusive of school rates; and whereas the said Municipal Corporation has by its petition prayed that an Act may be passed authorizing the said Corporation of the said town to issue debentures for $8,000 for the above purposes, and whereas no objection has been made to the said petition, and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to borrow $8,000 to pay floating debt.

**1**. It shall be lawful for the said Corporation from time to time to pass a by-law or by-laws providing for the issue of debentures under the corporate seal signed by the Mayor and countersigned by the Treasurer for the time being in such sums not less than $100 each, and not exceeding in the aggregate $8,000, and payable at such places as the Corporation may deem expedient.

Hypothecation of debentures.

**2**. The said Corporation may for the purposes herein mentioned raise money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as may be deemed expedient.

Term of debentures.

**3**. The said debentures shall be payable in not more than twenty years from the first day of February, 1912, as the said Corporation may direct, such debentures may bear interest at any rate not exceeding 5½ per cent. per annum, and the interest on such debentures or on any part thereof may be made payable by coupons to be attached thereto, if the by-law so directs.

Equal annual instalments.

**4**. Any debt incurred under the authority of this Act shall be payable in twenty years at furthest from the 1st day of February, 1912, and shall be payable in equal annual instalments, including principal and interest, in such manner that the amount payable and to be raised and levied in any one year on account of principal and interest shall be equal as nearly as may be to what is payable and to be raised and levied during each of the other years during the period within which the debt is to be discharged.

Special rate.

**5**. The said Corporation shall levy, in addition to all other rates to be levied in each year, a sum sufficient to pay the amount falling due annually for principal and interest in respect of debentures authorized to be issued under this

Act

Act notwithstanding that such rate increases the annual levy in any one or more years to a rate exceeding 20 mills on the dollar of the rateable property, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

**6.** The said debentures and all moneys arising therefrom shall be applied by the said Corporation in the payment of any floating indebtedness incurred for any or all of the purposes aforesaid, and for payment of the costs of and incidental to this Act and of any unpaid costs in respect of the defence of the said action of "Young vs. Gravenhurst."

Form of by-law.

**7.** The by-law or by-laws authorizing the said debentures from time to time may be in the form of Schedule "A" to this Act, with such variations as may be required.

Assent of electors not required.

**8.** It shall not be necessary to obtain the assent of the electors of the said Town of Gravenhurst to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation to money by-laws prescribed by *The Consolidated Municipal Act, 1903*, or any amendments thereto.

Inconsistent enactments not to apply.

**9.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act; and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the passing of such by-law or for the issue of such debentures or as to the application of the proceeds thereof.

SCHEDULE "A."

BY-LAW.

By-law number to authorize the issue of debentures under the authority of the Act respecting the Town of Gravenhurst, being chapter of the Statutes of Ontario, 1912.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not to exceed $8,000 in the whole as the Corporation of the Town of Gravenhurst may in pursuance of and in conformity with the provisions of the said Act from time to time direct.

And

And whereas for certain of the purposes of the said Act it is necessary and expedient to issue debentures to the extent of $ payable in annual instalments extending over years with interest thereon at the rate of per centum per annum payable yearly according to the coupons to be attached to the said debentures.

And whereas the amount of the whole rateable property of the said Town of Gravenhurst according to the last revised assessment roll for the said town being for the year was $ ;

Therefore the Municipal Corporation of the Town of Gravenhurst enacts as follows—

1. Debentures under the said Act and for the purposes therein mentioned to the extent of $ repayable in annual instalments of sufficient amount each year to make with the interest charged as nearly as possible an equal annual repayment of principal and interest combined, are hereby authorized and directed to be issued.

2. The said debentures shall bear interest at the rate of per centum per annum payable yearly on the day of in each year, upon presentation of the proper coupons for the same to be annexed to said debentures as the same shall severally become due.

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CHAPTER

# CHAPTER 99.

## An Act respecting the City of Guelph

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the City of Guelph has by Petition represented, that on the 19th day of June, 1911, it passed a By-law No. 835, to provide for the erection in Guelph of an Isolation Hospital, and also to provide for the maintenance thereof, and also with respect to St. Joseph's Hospital, and that for the removal of doubts as to the power of the several parties to the agreements referred to and attached to the said By-law, to enter into the said agreements, and for the removal of doubts as to the power of the said Corporation to pass the said By-law, it is expedient that the said Agreements and By-law should be confirmed; and by the said Petition it is further represented that the council of the said Corporation did on the 8th day of January, 1912, finally pass a By-law No. 884, being a by-law to provide for the number of Aldermen to be elected for the City of Guelph (such by-law having first been approved by the electors of the municipality of the City of Guelph by a vote of 1,046 for, to 560 against, said by-law), as on account of the number of commissioners in the municipality it had been found that eleven Aldermen (the number provided for by the said By-law), elected by a general vote was a sufficient and satisfactory number, and that it is expedient that this By-law should be confirmed; and that the council of the said Corporation has passed the by-laws specified in Schedule "C" hereto, providing for the construction of certain works as local improvements; and that it is expedient to validate and confirm such by-laws and all debentures issued or to be issued under, or in pursuance of, any by-law passed or to be passed for the purpose of raising money to pay for the works provided for in each of the said by-laws, and all assessments made or to be made for the payment thereof, in order that the debentures issued thereunder may be more readily and profitably disposed of; and whereas the said Corporation has prayed that an Act of the Legislature be passed to ratify and confirm the said by-laws and agreements for the purposes

hereinbefore

hereinbefore set forth; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws No. 835 and 884 confirmed.

**1.** By-law No. 835 of the Corporation of the City of Guelph set out as Schedule "A" hereto, and the Agreement attached thereto, between the Guelph General Hospital and the Corporation of the City of Guelph, and also the Agreement attached thereto between the St. Joseph's Hospital and the said Corporation; and By-law No. 884 of the said Corporation set out as Schedule "B" hereto, are confirmed and declared to be legal, valid and binding.

By-laws specified in Sched. "C" confirmed.

**2.** The by-laws of the Corporation of the City of Guelph, specified in Schedule "C" hereto, and all debentures issued or to be issued under or in pursuance of any by-laws passed or to be passed for the purpose of raising money to pay for the works provided for in each of the said by-laws, and all assessments made or to be made for the payment thereof are confirmed and declared to be legal, valid and binding, provided that the provisions of *The Local Improvement Sections of The Municipal Act,* applicable to the works respectively mentioned in the said several by-laws shall in all respects extend and apply to the issue of debentures to pay for the said work, and all proceedings for any such purpose connected therewith shall be the same as nearly as may be, as provided in the said Act for local improvements of the like nature.

1 Geo. V., c. 58.

SCHEDULE "A."

THE CORPORATION OF THE CITY OF GUELPH.

**BY-LAW NO. 835.**

**A By-Law to provide for the erection in Guelph of an Isolation Hospital and also to provide for the maintenance thereof and also with respect to St. Joseph's Isolation Hospital.**

Whereas the Corporation of the City of Guelph, under the provisions of *The Public Health Act*, deems it expedient to establish and erect a Hospital hereinafter called the "Isolation Hospital" for diseases dangerous to the Public Health, more especially the diseases of Scarlet Fever and Diphtheria, not, however, including Smallpox.

And whereas the Guelph General Hospital has by Deed, which Deed is ready to be delivered to the City upon the passing of this By-law, conveyed to the City a site for such Isolation Hospital, and a right of way thereto, being the site and right of way described in the Schedule hereunto annexed marked "A," subject only to one condition, namely, that the City shall erect the Isolation Hospital upon that site within the period of eighteen months.

And

And whereas the City deems it expedient to accept such site and to provide for the erection of the Isolation Hospital thereon.

And whereas the Directors of the Guelph General Hospital have submitted for the approval of the Council of the City Corporation a form of Agreement with respect to the said Isolation Hospital, which form of Agreement is hereunto annexed marked "B."

And whereas the Hospital, known as St. Joseph's Hospital, adjacent to the said City of Guelph, has heretofore rendered valuable services to the inhabitants of the City in the care of indigent infectious patients from said City, and if such St. Joseph's Hospital is prepared to continue to admit indigent patients, inhabitants of the said City, infected with infectious diseases, other than smallpox, the City is prepared to enter into arrangements with the said St. Joseph's Hospital on the terms set forth in the form of agreement hereunto annexed, marked "C."

And whereas in consideration of the amount spent by St. Joseph's Hospital in the building and equipping of its infectious hospital, the Corporation of the said City deems it expedient and proper to agree to pay to the said St. Joseph's Hospital for ten years the sum of $400.00 per annum as set forth in the said form of agreement marked "C."

And whereas in order to remove all doubts as to the power and authority of the contracting parties to enter into the said agreements it is hereby declared that the clauses in the said Agreement "B" numbered from 2 to the end, and the provisions of the said Agreement "C" shall not take effect unless and until the same shall be ratified by Act of the Legislature of the Province of Ontario at the next session thereof.

Therefore the Municipal Council of the Corporation of the City of Guelph hereby enacts as follows:—

1. There shall be established and erected in the City of Guelph upon the site described in the said Schedule hereunto annexed, marked "A," a Hospital hereinbefore called the Isolation Hospital, for the purposes hereinbefore described, and the said conveyance of the said site and right of way by the Guelph General Hospital to the City Corporation is hereby approved of and accepted, and the Mayor or acting Mayor and the City Clerk are hereby authorized to execute such conveyance under the Corporate Seal of the said City, and under the hands of the said Mayor or acting Mayor and City Clerk, and cause the said Deed of Conveyance to be otherwise completed and registered.

2. The said provisional Agreement, a copy of which is contained in the Schedule hereunto annexed marked "B," is hereby approved of on behalf of the said City Corporation and the Mayor or acting Mayor and City Clerk are hereby authorized to execute such Agreement under the Corporate Seal of the said City and under the hands of the said Mayor or acting Mayor and City Clerk and cause the said Agreement to be otherwise completed.

3. If and when the authorities of St. Joseph's Hospital shall be prepared to accept terms substantially similar to the terms set forth in the copy form of Agreement contained in the said Schedule hereunto annexed marked "C," the Mayor or acting Mayor and City Clerk are hereby authorized to execute the necessary Agreement under the Corporate Seal of the said City and under the hands of the said Mayor or acting Mayor and City Clerk, and cause such Agreement to be otherwise completed, subject to clause 6 hereof.

4. Section 1 of this By-law shall take effect upon, from and after the passing thereof.

5. Clause 1 of the said Agreement hereunto annexed marked "B" shall take effect upon, from and after the passing of this By-law.

6. Clauses numbered from 2 to the end of the said Agreement marked "B," and the said Agreement marked "C," shall not take effect unless and until the same shall be ratified by Act of the Legislature of the Province of Ontario at the next session thereof.

Passed this 19th day of June, 1911.

(Sgd.) R. E. NELSON, *Acting Mayor.*

(Corporate Seal.)

(Sgd.) T. J. MOORE, *Clerk.*

SCHEDULE "A."

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario, being composed of part of Lot 40 in the Stewart Survey, according to registered Plan 133, and which may be more particularly described as follows, that is to say:

Commencing at a point in the south-west limit of said Lot number forty and at a distance of ninety-nine feet from the westerly angle of the said Lot, thence north forty-five degrees and five minutes east parallel to the north-westerly limit of the Lot one hundred and nineteen feet; thence south forty-five degrees east, parallel with the south-westerly limit of the Lot a distance of one hundred and forty-four feet; thence south forty-five degrees and five minutes west one hundred and nineteen feet to the south-westerly limit of the said Lot forty; thence north forty-five degrees west along the south-westerly limit of the said Lot a distance of one hundred and forty-four feet to the place of commencement:

Together with a right of way at all times in common with the owners or occupants of Lot thirty-four and the northern portion of Lot forty, over, along and upon the easterly portion, ten feet in width, of Lot thirty-four of Stewart Survey, said right of way extending from Delhi Street to the north-easterly limit of the said Lot thirty-four.

SCHEDULE "B."

Agreement made the day of June, A.D. 1911

Between:

The Guelph General Hospital, hereinafter called the "General Hospital," of the First Part,

—and—

The Corporation of the City of Guelph, hereinafter called the "City," of the Second Part.

Whereas the City, under the provisions of The Public Health Act, deems it expedient to establish and erect a Hospital, hereinafter called the Isolation Hospital, for the reception of patients having diseases which may be dangerous to the public health, more especially the diseases of scarlet fever and diphtheria, not, however, including the smallpox;

And whereas the General Hospital has offered to convey to the City by an absolute and valid deed a site for such Isolation Hospital, being the site described in the Schedule hereunto annexed, marked

"A,"

"A," subject only to one condition, namely: that the City shall erect the Isolation Hospital upon that site;

And whereas it is expedient to make provision for the maintenance of such Isolation Hospital when erected, and in order to provide for such maintenance, the General Hospital and the City have entered into the Agreement hereinafter contained;

And whereas in order to remove all doubts as to the power and authority of the contracting parties to enter into this Agreement, it is hereby declared that the clauses in this Agreement numbered from 2 to the end shall not take effect unless and until the same shall be ratified by Act of the Legislature of the Province of Ontario at the next session thereof.

Now, therefore, the General Hospital and the City hereby agree, the one with the other, in manner following, that is to say:—

1. The General Hospital agrees to grant and the City agrees to accept a valid and absolute Deed of Conveyance in consideration of one dollar to the City of the lands described in the said Schedule "A" as a site for the said Isolation Hospital, such conveyance to be subject to only one condition, namely: that the City shall erect the Isolation Hospital upon such site.

2. In order to provide for the maintenance of the said Isolation Hospital it is agreed that when the same shall be erected and furnished and equipped the Hospital so furnished and said lands shall be leased by the City to the General Hospital for the term of ten years at a nominal rent of $1.00 per year if demanded.

3. The City agree, during the lease, to pay to the General Hospital the cost of gas for cooking in the Isolation Hospital, electric light for lighting therein, and of coal for heating the Isolation Hospital, and water for the use thereof from the City Waterworks, such water to be supplied without expense to the Hospital.

4. The General Hospital agrees with the City to maintain and carry on the said Isolation Hospital in a thoroughly efficient and satisfactory manner and for the purpose of the reception and treatment of persons having diseases aforesaid, but not including smallpox.

5. The General Hospital shall be entitled, except for indigent patients, to make such charge as the Directors of the Hospital may determine.

6. The City agrees to pay, and the General Hospital to accept, the sum of $1.00 per day from the City for each indigent patient or person sent to the Isolation Hospital by the City authorities as a person suffering from any infectious disease aforesaid, provided however that such indigent patient has been sent to the Isolation Hospital and kept there by the order of the Mayor of the City.

7. The City agrees to send to the Isolation Hospital for reception and treatment there not less than four-fifths of all indigent persons suffering from said infectious diseases who are inhabitants of the City, and to pay for such persons $1.00 per day as aforesaid.

8. The General Hospital agrees with the City to keep the Isolation Hospital and premises in good repair, except damage by fire, and to pay to the City all premiums which the City shall pay to keep the building and furniture insured against loss or damage by fire.

9. The General Hospital also agrees to renew the furnishings and equipment of the Isolation Hospital as may be necessary from time to time, replacing all articles which may become worn out or unfit for further use.

10. The General Hospital agrees that the cost of furnishing and equipping the Isolation Hospital within the meaning of this Agreement shall not exceed the sum of $3,000.00 to the City, and if such furnishing and equipping shall cost more than the sum of $3,000.00 the General Hospital agrees to pay any excess in such cost over the sum of $3,000.00.

11. The lease to be drawn in pursuance of this Agreement shall contain covenants and provisions to the effect aforesaid and shall contain a covenant between the parties for the renewal of the lease for terms of ten years or for longer priods, if agreed upon, subject to the same covenants, provisoes and agreements as are therein contained, provided however that if either of the parties hereto desires any modification or change in the terms of the lease, and the other party does not agree to such modification or change, the terms of such renewal lease shall be determined and settled by the award of the Senior County Judge, for the time being, of the County of Wellington, and the expense of the arbitration shall be borne equally between the parties hereto and likewise the expense of the new lease.

12. The said lease shall contain a further provision that in case the said Isolation Hospital and the furniture and equipment thereof shall be destroyed or damaged by fire, the insurance moneys shall be applied in the re-erection and re-furnishing of the buildings or the repair and restoration thereof, and if the cost thereof shall exceed the amount of the insurance such surplus or excess of cost shall be paid jointly in equal shares by the Corporation of the City of Guelph and the General Hospital, provided that the City shall insure to the extent of eighty per cent. of the value of Hospital and furnishings.

13. The lease shall contain a further provision that it shall and may be lawful for the City, through the Mayor, or any Committee of the Council thereof, or through the Local Board of Health, or the Sanitary Inspector, to enter upon the Isolation Hospital from time to time, at all reasonable times, to examine the condition thereof and enquire into the management thereof, for the purpose of ascertaining whether the provisions of the lease are being observed by the General Hospital.

14. The lease to be prepared hereunder may be made under The Short Forms of Leases Act, Schedule "A," and shall contain the said provisions of this Agreement, and also the provisions of clauses 12 and 13 of column two of Schedule "B" of the said Act.

15. It is agreed that the provisions of this Agreement, from clause 2, shall take effect only upon, from and after the ratification thereof by the Legislature of the Province of Ontario, at the next session thereof, but the non-ratification of clause 2 and subsequent clauses hereof shall not affect Clause 1 hereof nor the rights of the City under the Deed of Conveyance to be made in pursuance of such Clause 1.

In witness whereof the parties hereto have hereunto affixed their Corporate Seals, together with the signatures of the Chairman and

Secretary

Secretary of the parties of the First Part and the Mayor and Clerk of the parties of the Second Part.

| | |
|---|---|
| Signed, sealed and delivered in the presence of: | |
| (Sgd.) ANNIE BELISKI, As to the signature of Wm. Ross and A. W. Alexander. | (Sgd.) W. Ross, *Secy., Guelph General Hospital.* |
| | (Sgd.) A. W. ALEXANDER, *Chairman.* |
| (Sgd.) V. H. HATTIN, As to the signature of R. E. Nelson and T. J. Moore. | (Sgd.) R. E. NELSON, *Acting Mayor.* |
| | (Sgd.) T. J. MOORE, *City Clerk.* |

SCHEDULE "A."

This is the Schedule marked "A" referred to in the Agreement between the Guelph General Hospital and the Corporation of the City of Guelph, dated the day of June, 1911.

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario, being composed of part of Lot 40 in the Stewart Survey, according to registered Plan 133, and which may be more particularly described as follows, that is to say:—

Commencing at a point in the south-west limit of said Lot number forty and at a distance of ninety-nine feet from the westerly angle of the said Lot, thence north forty-five degrees and five minutes east parallel to the north-westerly limit of the Lot, one hundred and nineteen feet; thence south forty-five degrees east, parallel with the south-westerly limit of the lot a distance of one hundred and forty-four feet; thence south forty-five degrees and five minutes west one hundred and nineteen feet to the south-westerly limit of the said Lot forty; thence north forty-five degrees west along the south-westerly limit of the said Lot a distance of one hundred and forty-four feet to the place of commencement.

Together with a right of way at all times in common with the owners or occupants of Lot thirty-four and the northern portion of Lot forty, over, along and upon the easterly portion, ten feet in width, of Lot thirty-four of Stewart Survey, said right of way extending from Delhi Street to the north-easterly limit of the said Lot thirty-four.

SCHEDULE "C."

This Agreement made this 16th day of June, A.D. 1911.

Between:

The Sisters of St. Joseph of the Diocese of Hamilton, hereinafter called the "St. Joseph's Hospital," of the First Part,

—and—

The Corporation of the City of Guelph, hereinafter called the "City," of the Second Part.

Whereas in connection with the proposals for the erection and furnishing by the City of a Hospital for persons suffering from infectious diseases, other than smallpox, on a site to be acquired from the Guelph General Hospital, the said City, in view of the valuable services heretofore rendered by St. Joseph's Hospital,

Guelph

Guelph, in the care of indigent patients from the City suffering from infectious diseases, and in consideration of the fact that the management of St. Joseph's Hospital has spent considerable sums of money in the building and equipment of an infectious hospital in connection with that Hospital, and for other considerations herein contained, the City agrees with St. Joseph's Hospital and the latter with the City in manner hereinafter contained.

Now, therefore, the parties hereto agree the one with the other in manner following, that is to say:—

1. The City agrees to pay, and St. Joseph's Hospital agrees to accept, the sum of $1.00 per day for each indigent patient suffering from infectious diseases (other than smallpox) sent to St. Joseph's Hospital by the City, and provided, however, that such indigent person has been sent to St. Joseph's Hospital and kept there by the order of the Mayor of the City or the Relief Officer or Medical Health Officer of the City, and the City agrees to send to St. Joseph's Hospital one-fifth of all indigent persons, inhabitants of the City, who may be suffering from said infectious diseases, and the other four-fifths of such persons shall be sent to the new Isolation Hospital so to be erected by the City.

2. St. Joseph's Hospital agrees with the City to keep its hospital for persons suffering from infectious diseases well and efficiently managed and to receive and properly care for indigent persons so to be sent from the City to the said St. Joseph's Hospital as aforesaid, at the rate of $1.00 per day as aforesaid.

The City further agrees to pay to the said St. Joseph's Hospital the sum of $400.00 per year for ten years in recognition of the amount spent by the management of the said St. Joseph's Hospital in the building and equipping of their said infectious hospital, such annual sum of $400.00 to be paid on the 2nd day of July in each year for ten years, the first payment to be made on the 2nd day of July, 1912.

4. It is understood that the management of St. Joseph's Hospital shall regulate the charges to be made for patients suffering from infectious diseases known as "pay patients" and being persons who are not sent to the Hospital by the City authorities as indigent persons as aforesaid.

5. This Agreement shall take effect only upon, from and after the ratification thereof by the Legislature of the Province of Ontario at the next session thereof.

In witness whereof the parties hereto have hereunto affixed their Corporate Seals, together with the signatures of Sister Martina and Sister Bernardine, the parties of the First Part, and the Mayor and Clerk of the parties of the Second Part.

Signed, sealed and delivered in the presence of

P. KERWIN.

(City Seal)

(Sgd.) SR. MARTINA, *Supr's.*

(Sgd.) SR. BERNARDINE.

(Seal of St. Joseph's Hospital.)

(Sgd.) GEO. J. THORP, *Mayor.*

(Sgd.) T. J. MOORE, *City Clerk*

SCHEDULE

SCHEDULE "B."

THE CORPORATION OF THE CITY OF GUELPH.

BY-LAW No. 884.

A By-law to provide for the number of Aldermen to be elected for the City of Guelph.

Whereas the Council of the Corporation of the City of Guelph for the years 1910 and 1911 consisted of a Mayor elected by general vote and eleven Aldermen elected by general vote.

And whereas the said system has been found satisfactory for the said City and it is expedient to provide that the said system shall be continued for and after the year 1913, notwithstanding that the population of the said City is now over fifteen thousand.

Therefore the Municipal Council of the Corporation of the City of Guelph enacts as follows:—

1. The Council of the said City shall, for the year 1913 and thereafter, be composed of a Mayor, to be elected by general vote, and eleven Aldermen, to be elected by general vote, notwithstanding that the population of the said City may warrant a different number of Aldermen.

2. This By-law shall not be repealed until at least five annual Municipal elections have been held thereunder nor unless the By-law repealing this By-law shall have been submitted to the electors of the said City and shall have received the assent of a majority of the electors voting thereon.

3. This By-law shall be submitted to the votes of the electors of the said City of Guelph on Monday, the 1st day of January, 1912, being the day on which the annual elections for the Municipal Council for the said City is to be held, and polls for the taking of votes of the electors on this By-law will be held at the same hour, on the same day and at the same places, and by the same Deputy Returning Officers as for the said Municipal election.

5. On Friday the 29th day of December, 1911, the Mayor of the said City shall attend at the City Hall at ten o'clock in the forenoon to appoint persons to attend at the various polling places as aforesaid, and at the final summing up of the votes by the Clerk, on behalf of the persons interested in the promoting or opposing of this By-law respectively.

6. The Clerk of the said City of Guelph shall attend at the said City Hall at eleven o'clock in the forenoon of Wednesday, the 3rd day of January, 1912, to sum up the number of votes given for and against this By-law.

7. This By-law shall take effect if and when the same shall be ratified by Act of the Legislature of the Province of Ontario.

Passed this 8th day of January, 1912.

(Sgd.) GEO. J. THORP,
*Mayor.*

(Seal.)

(Sgd.) T. J. MOORE,
*Clerk.*

SCHEDULE "C."

| No. of By-Law. | Nature of Work under By-Law. | When passed by Council. | Total Cost of work. | Amount to be borne by City. | Amount to be borne by ratepayers | Period of payment. |
|---|---|---|---|---|---|---|
| 823 | Improving Woolwich Street between Wyndham and McDonnell Streets by grading, constructing storm drains therein and laying down concrete curbs, gutters and base thereon as a local improvement..... | May 15th, 1911. | $6,228.50 | $2,414.04 | $3,814.46 | 20 |
| 824 | Construction of a tar macadam pavement on Woolwich Street, between Wyndham Street and McDonnell Street, as a local improvement..... | May 15th, 1911. | $4,288.20 | $1,614.26 | $2,673.94 | 5 |
| 829 | Construction of a tarlithic pavement on Oxford Street, between Norfolk Street and Glasgow Street, as a local improvement..... | June 5th, 1911. | $2,991.48 | $568.48 | $2,423.00 | 5 |
| 830 | Improving Oxford Street, between Norfolk and Glasgow Streets, by grading, constructing storm drains therein and laying down concrete curbs, gutters and base thereon, as a local improvement..... | June 5th. 1911. | $3,838.55 | $1,298.42 | $2,540.13 | 20 |
| 838 | Improving Neeve Street, between the east side of Waterloo Street and the east side of Ontario Street, by grading, constructing storm drains therein, and laying down concrete curbs, gutters and base thereon, as a local improvement..... | July 3rd, 1911. | $5,624.10 | $3,443.87 | $2,180.23 | 20 |
| 839 | Construction of a tar macadam pavement on Neeve Street, extending from the east side of Waterloo Street to the east side of Ontario Street, as a local improvement..... | July 3rd, 1911. | $3,437.70 | $2,006.38 | $1,431.32 | 5 |
| 853 | Construction of sewers on Hearn Avenue, Inkerman Street and Alma Street, from Waterloo Avenue to Lucan Street, in the said City..... | Aug. 21st, 1911. | $4,499.95 | ..... | $4,499.95 | 30 |

# CHAPTER 100.

## An Act to confirm By-Law No. 305 of the Town of Haileybury.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the Town of Haileybury has, by Petition, represented that certain expenditures were necessarily incurred by the said Corporation, over and above the estimates adopted by the Council of the said Corporation, and on which its tax rates were struck, being sums of $3,187.18 for the erection of a municipal building and extension to fire hall and appliances for fire hall, $19,000 for street improvements and $3,724.73 for the extension of water mains on certain streets in the said Town of Haileybury, making a total of $25,911.91, that the said Corporation is indebted to its bank for the said sums, and that by reason of other heavy expenditures which the said Corporation has incurred, the Council thereof could not levy a rate sufficient to meet said indebtedness without making the same unduly oppressive to the ratepayers; that the said Council, on the 15th day of December, 1911, passed By-law Number 305 to provide for the issue of $26,000 of debentures for the purpose of paying said debts; and whereas the said Corporation has by petition prayed that the said By-law be validated and confirmed; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 305 of Town of Haileybury confirmed.

**1.** By-law Number 305 of the Corporation of the Town of Haileybury, set out as Schedule "A" to this Act, is confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, and the debentures to be issued thereunder when so issued, shall be legal, valid and binding upon the said Corporation and the ratepayers thereof.

SCHEDULE

SCHEDULE "A."

THE TOWN OF HAILEYBURY.

By-law No. 305 of the Town of Haileybury, being a by-law to provide for the issue of debentures of the Town of Haileybury for the sum of twenty-six thousand dollars ($26,000.00), required by the said Town of Haileybury.

Whereas during the years 1906, 1907, 1908 and 1909, the Council of the Town of Haileybury incurred liability amounting to the sum of $25,911.91, made up as follows:—

$3,187.18 for the erection of a Municipal Building, and extension to Fire Hall, and the appliances for Fire Hall; $19,000 for street improvements, and $3,724.73 for the extension of water mains on certain streets in the said Corporation.

And whereas sufficient moneys were not levied by the Council of the Town of Haileybury for the payment of the above mentioned sums, it being deemed unduly oppressive to levy the said amount on the ratepayers in the usual way.

And whereas the Town of Haileybury is desirous of raising by debentures the sum of $26,000, for the purpose of paying off the said sums.

And whereas it is desirable to issue the said debentures at one time and to make the principal of each repayable by yearly sums during a period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt, shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period as shown on Schedule "A" hereto annexed.

And whereas the total amount required by the said Municipality, to be raised annually by special rate for paying the said debt and interest as hereinafter provided, is $2,086.31.

And whereas the amount of the whole rateable property of the Town of Haileybury, according to the last revised assessment roll thereof, is $1,925,310.

And whereas the amount of the said existing debt of the said Municipality is $236,053.72, of which no part, either for principal or interest, is in arrear.

Now, therefore, the Municipal Corporation of the Town of Haileybury enacts as follows:—

1. The Municipal Corporation of the Town of Haileybury shall issue debentures of the said Town to the amount of $26,000, as aforesaid, in sums of not less than $100, each on the day of 1912, each of which debentures shall be dated on the day of the issue thereof, and shall be payable within twenty years thereafter, on the 15th day of July, in each of the years in the amount shown in said Schedule "A," at the Union Bank of Canada, in said Town of Haileybury.

2. Each of the said debentures shall be signed by the Mayor of the said Town of Haileybury, or by some other person authorized by by-law to sign the same, and by the Treasurer thereof, and the Clerk shall attach thereto the Corporate Seal of the said Municipality.

3. The said debentures shall bear interest at the rate of five per cent. (5%) per annum, payable yearly at the said Union Bank of Canada, on the 15th day of July, in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the Mayor and the Treasurer of the said Corporation.

4. During the currency of the said debentures there shall be raised annually by special rate on all rateable property in the said Town of Haileybury, the sum of $2,086.31, for the purpose of paying the amount due in each year of the said twenty years for principal and interest in respect of the said debt as shown in Schedule "A" hereto annexed.

Dated at the Town of Haileybury, on the fifteenth day of December, 1911.

(*Sgd.*) N. R. Green,
*Mayor.*

(*Sgd.*) Theo. H. Connor,
*Clerk.*

Seal of the Corporation.

SCHEDULE, BY-LAW NUMBER 305.

Debentures for 20 years:
Amount, $26,000.00.
Rate 5 per cent. Coupons attached.
Equal Annual Payment, $2,086.31.

| No. | Due. | Principal. | Interest. | Coupons. |
|---|---|---|---|---|
| 1. | 1914 | $786 31 | $1,300 00 | $39 32 |
| 2. | 1915 | 825 62 | 1,260 69 | 41 28 |
| 3. | 1916 | 866 90 | 1,219 41 | 43 35 |
| 4. | 1917 | 910 25 | 1,176 06 | 45 51 |
| 5. | 1918 | 955 76 | 1,130 55 | 47 79 |
| 6. | 1919 | 1,003 55 | 1,082 76 | 50 18 |
| 7. | 1920 | 1,053 73 | 1,032 58 | 52 69 |
| 8. | 1921 | 1,106 41 | 979 90 | 55 32 |
| 9. | 1922 | 1,161 73 | 924 58 | 58 09 |
| 10. | 1923 | 1,219 82 | 866 49 | 60 99 |
| 11. | 1924 | 1,280 80 | 805 51 | 64 04 |
| 12. | 1925 | 1,344 85 | 741 46 | 67 24 |
| 13. | 1926 | 1,412 10 | 674 21 | 70 61 |
| 14. | 1927 | 1,482 70 | 603 61 | 74 14 |
| 15. | 1928 | 1,556 84 | 529 47 | 77 84 |
| 16. | 1929 | 1,634 68 | 451 63 | 81 73 |
| 17. | 1930 | 1,716 41 | 369 90 | 85 82 |
| 18. | 1931 | 1,802 23 | 284 08 | 90 11 |
| 19. | 1932 | 1,892 34 | 193 97 | 94 61 |
| 20. | 1933 | 1,986 97 | 99 34 | 99 34 |
| | | $26,000 00 | $15,726 20 | $1,300 00 |

CHAPTER

## CHAPTER 101.

## An Act respecting the City of Hamilton.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, the Corporation of the City of Hamilton has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said City Corporation has asked for authority to issue debentures as follows: —

(*a*) For an amount not exceeding $50,000 for acquiring additional lands for a public cemetery, the present cemetery being sufficient only for immediate cemetery purposes;

(*b*) For an amount not exceeding $20,000 for alterations, additions and improvements to the City Hall in order to provide for additional room for offices;

(*c*) For an amount not exceeding $36,000 for acquiring lands on the south shore of Burlington Bay for public park purposes; and

(*d*) For an amount not exceeding $20,000 for improvements to and extension of Main Street west of The Toronto, Hamilton and Buffalo Railway bridge; and whereas the whole rateable property of the said City according to the last revised assessment rolls is $52,749,884, and the existing debenture debt of the said City is $5,406,992 of which no part of the principal or interest is in arrear; and whereas it is expedient to grant the prayer of said petition;

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to issue debentures for certain purposes.

**1**. The Council of the Corporation of the City of Hamilton may, without submitting the same to the ratepayers qualified to vote on by-laws for the creation of debts, pass by-laws authorizing the issue of debentures as follows: (*a*) for an amount not exceeding $50,000 for acquiring additional lands for a public cemetery; (*b*) for an amount not exceeding $20,000 for alterations, additions and improvements to the City Hall, and (*c*) for an amount not exceeding $36,000 for acquiring lands on the south shore of Burlington

lington Bay for park purposes, and (*d*) for an amount not exceeding $20,000 for improvements to and extension of Main Street west of the Toronto, Hamilton and Buffalo Railway bridge; and for such purposes to issue debentures of the said Corporation in sums of not less than $100 each, the principal to be payable in 20 years at the furthest from the time or times when the debentures are issued, and the interest to be payable half-yearly during the currency of such debentures at a rate not exceeding four per centum per annum, and to raise and levy annually by special rate on all the rateable property in the said municipality such sum or sums as may be necessary for payment of the said debts and interest.

Date of debentures, etc.

**2.** The debentures to be issued under By-laws passed under this Act may be dated the 1st day of April, 1912, and may bear interest computed from that date at the rate aforesaid, payable half-yearly, and may be issued at any time within two years after the passing of the respective By-laws above mentioned.

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CHAPTER

## CHAPTER 102.

### An Act to confirm By-law No. 411 of the Township of Humberstone.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, The Maple Leaf Milling Company has by petition represented that the Municipal Corporation of the Township of Humberstone duly passed By-law No. 411, fixing the assessment for a term of twenty years of the lands and premises leased to and owned by the Hedley Shaw Milling Company, Limited, and which lands and premises are now owned by the said The Maple Leaf Milling Company, all of which is fully set out in said By-law; that the said By-law was submitted to the ratepayers on the 22nd day of July, 1909, when out of 719 persons entitled to vote 574 voted for and 1 against the By-law, and that in order to validate the said By-law and give the same full force and effect it is desirable that an Act be passed confirming the said By-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 411 confirmed.

**1.** By-law No. 411 of the Municipal Corporation of the Township of Humberstone in the County of Welland, passed on the 26th day of July, A.D., 1909, and set out as Schedule "A," hereto, is hereby confirmed.

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SCHEDULE "A."

BY-LAW No. 411.

A By-law fixing the assessment of the property leased and owned by The Hedley Shaw Milling Company, Limited, in the Township of Humberstone, in the County of Welland, for a period of twenty years.

Whereas The Hedley Shaw Milling Company, Limited, intends to manufacture, buy and sell flour and other food articles manufactured from grain or cereals in the said Township of Humberstone

and

and has signified its intention of erecting a large mill upon the lands hereinafter mentioned if the said lands and the property of the Company is assessed at $10,000.00 a year for the next twenty years;

And whereas the said Company will employ a large number of hands and pay out a large sum of money yearly in wages, and the effect of this will be to materially increase the population of the Township, enhance the value of real estate and produce a greater revenue for the Township and the circulation of a large sum of money yearly;

And whereas it is most desirable and greatly in the interest of the Township to encourage the location in said Township of and to promote manufacturing industries in general and the said Company in particular to the benefit of the ratepayers of the said Township;

Therefore the Municipal Corporation of the Township of Humberstone enacts as follows:

1. That the following lands and premises, viz.: All and singular that certain parcel of Welland Canal Reserve Land and land covered by water situate, lying and being in the Harbour of Port Colborne, in the Township of Humberstone, in the County of Welland and Province of Ontario, which may be more fully described as follows:

Commencing at the southeast corner of Dock Number 1 situated at the south end of the west pier; thence northerly along the east face of said Dock and a production thereof 1,400 feet; thence westerly at right angles 200 feet more or less; thence southerly along a production of the westerly side of Dock Number 1 and along the westerly face of said Dock 1,400 feet more or less to the southwest corner of said Dock; thence easterly along the south face of said Dock 200 feet more or less to the place of beginning and containing by admeasurement six acres and forty-three hundredths of an acre (6.43 ac.) be the same more or less; saving and excepting therefrom a strip 12 feet in width by 630 feet in length along the west side of Dock Number 1, a strip 12 feet in width by 200 feet in length along the south end of said Dock, a strip 12 feet in width by 680 feet in length along the east side of said Dock, a strip 20 feet in width by 200 feet in length along the north side of said Dock; and a strip 20 feet in width by 200 feet in length along the face of the west pier, and all buildings and erections that may be erected or made thereon for or in connection with the flour milling business of the said Company and the plant, appliances, machinery, tools and other personal property of the said Company which may not now be, but may possibly become liable to taxation hereafter by Law and shall be annually assessed for the next 20 years from and after the year 1910 at the sum of $10,000.00 for all municipal purposes (including business tax) except school taxes and rates.

2. That this By-law shall take effect from and after the passing thereof.

3. That the votes of electors of the said Township shall be taken on this By-law at the following times and places, that is to say, on Thursday the 22nd day of July next, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day by the following deputy returning officers, and at the following places:

Polling Division No. 1, at D. Michael's dwelling house, Alfred Sherk, Deputy Returning Officer.

Polling Division No. 2, at J. F. Dennis' dwelling house, A. Kleinsmith, Deputy Returning Officer.

Polling

Polling Division No. 3, at Town Hall, L. R. Snider, Deputy Returning Officer.

Polling Division No. 4, at Reichman's store, O. B. Neff, Deputy Returning Officer.

Polling Division No. 5, at School House S. S. No. 4, A. G. Scilly, Deputy Returning Officer.

Polling Division No. 6, at Henry Cronmiller's polling booth, Arthur H. White, Deputy Returning Officer.

Polling Division No. 7, at School House S. S. No. 9, John Lever, Deputy Returning Officer.

4. That on Saturday the 10th day of July, the Reeve of the said Township of Humberstone shall attend at the Township Hall at eleven o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

5. That the Clerk of the Council of the said Township of Humberstone shall attend at his office in the Township Hall at 12 o'clock in the forenoon of Friday the 23rd day of July to sum up the number of votes for and against this By-law.

Read and passed a first and second time in Council this 21st day of June, 1909.

(Sgd.) A. E. NEAR, *Clerk.* (Sgd.) H. J. KNOLL, *Reeve.*

Read a third time and finally passed this 26th day of July, A.D. 1909.

(Sgd.) A. E. NEAR, *Clerk.* (Sgd.) H. J. KNOLL, *Reeve.*

(Seal.)

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CHAPTER

## CHAPTER 103.

# An Act respecting the Town of Kenora.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the Town of Kenora by petition has represented that under the authority of the Act passed in the first year of His Majesty's reign, chaptered 92, it guaranteed payment of first mortgage debentures of "The Tourist Hotel Company, Limited," to the amount of $150,000.00, such debentures with interest being repayable annually on the first day of July in each year over a period of 20 years; and that the Tourist Hotel of the said Company has been completed and is in successful operation and of great benefit to the Town, but it is anticipated the Company will be unable to meet the debentures maturing within the first few years, and it is desirable that the Town as such Guarantor should have authority, in the event of such guaranteed debentures or any of them not being paid at maturity, to redeem and take over the same and to issue 5 per cent. 20 year debentures of the Corporation without obtaining the assent of the electors for the purpose of raising the necessary moneys therefor and enabling the Municipal Council of the Town with respect to such debentures so redeemed and taken over to exercise all the rights and remedies provided for recovering payment thereof by holders of such past due debentures and for preserving and protecting the interests of the Town as such Guarantor with respect to such debentures and the securities therefor; and whereas the said Corporation by its petition further represents that sections 4 and 5 of the Act passed in the fifty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 83, were inserted in the said Act, at the instance of the owners of the property, without the consent of the Municipal Corporation of the Town of Rat Portage (now the Town of Kenora) having been obtained thereto, that the said sections provide for exemption from taxation of certain property connected with a water power within the said Municipality; that the water power connected with the said lands and property has not been developed by the owners thereof, who have merely been holding the same for sale at a large

price

price during a long period of years; that the amount of money agreed to be expended by the owners of property affected was not so expended, and the Town has been deriving no benefit whatever from the said water power, and that it is desirable that the said section should be repealed; and whereas the said Corporation has prayed that it be enacted, as is hereafter set forth; and whereas the representatives of the petitioners and of the Keewatin Power Company, Limited, appeared before the Private Bills Committee and stated their contentions in favor of and as opposed to the petition; and whereas after hearing the said contentions and objections and without expressing any opinion thereon, the matter was referred to a sub-committee and at the meeting of such sub-committee, the representatives of the petitioners and of the Keewatin Power Company, Limited, agreed that Sections four and five of the Act passed in the fifty-fifth year of the reign of Her late Majesty, Queen Victoria, Chapter 83, should be repealed, and in consideration thereof and in substitution therefor, the Municipality of the Town of Kenora, has agreed that the land and property of the Keewatin Power Company, Limited, within the limits of the said Municipality, together with all improvements thereon at the date of the passing of this Act, or which may be made thereon during any of the years hereinafter mentioned, should be assessed by the Municipal Corporation of the Town of Kenora, during each of the years 1912, 1913, and 1914 at a fixed sum of Seventy Thousand Dollars, and during each of the years 1915, 1916, 1917, 1918, and 1919 at a fixed sum of One Hundred and Forty-five Thousand Dollars; and whereas the sub-committee and the Private Bills Committee have recommended that the said agreement be confirmed.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Geo. V. c. 92, amended.

**1.** The Act passed in the first year of His Majesty's reign, Chaptered 92, intituled, "An Act respecting the Town of Kenora," is amended by adding the following section:

Power to issue debentures to meet guarantee of corporation.

4. In the event of any such mortgage debentures so guaranteed by the said Town falling due and remaining unpaid by the Company, the Municipal Council of the said Town may from time to time as such default happens and without obtaining the assent of the electors redeem and take over such past due debentures and issue 5 per cent. 20 year debentures of the Corporation for the purpose of raising the necessary moneys therefor, and the Municipal Council may, with respect to such mortgage debentures so redeemed and taken over from time to time and without the vote of the rate-

payers,

payers, exercise all the rights and remedies provided for recovering payment thereof by holders of such past due debentures and for preserving and protecting the interests of the Town as such guarantor with respect to said mortgage debentures and the securities therefor; but so nevertheless that nothing herein contained shall be deemed to alter or affect the terms or provisions of the deed of trust and mortgage securing the said debentures with respect to any proceeds from the mortgaged premises.

55 V. c. 83, ss. 4-5, repealed.

**2**. Sections 4 and 5 of *An Act to Incorporate the Town of Rat Portage,* passed in the fifty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 83, are repealed.

Assessment of land of Keewatin Power Co.

**3**. All land and property of the Keewatin Power Company, Limited, together with all improvements thereon at the date of the passing of this Act, or which may be made thereon during any of the years hereinafter mentioned, shall be assessed by the Municipal Corporation of the Town of Kenora, during each of the years 1912, 1913, and 1914 at a fixed sum of Seventy Thousand Dollars and during each of the years 1915, 1916, 1917, 1918 and 1919 shall be assessed at a fixed sum of One Hundred and Forty-five Thousand Dollars..

CHAPTER

# CHAPTER 104.

## An Act respecting the City of Kingston.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, the Corporation of the City of Kingston has by petition represented that it is desirous of procuring the erection of an hotel in said City and has entered into an agreement with persons willing to undertake the erection of such hotel as set forth in Schedule X to the By-law of said Corporation set out in the Schedule to this Act; and whereas the said By-law was on 16th November, 1911, submitted to the votes of the electors of said City qualified to vote on money By-laws under the provisions of the Municipal Act, when out of 2,602 persons entitled to vote, 1,448 voted for and 297 against the said By-law, and the said By-law was subsequently on the twentieth day of November, A.D. 1911, passed by the Council of said Corporation, but subject to validation and confirmation by an Act of the Legislature of the Province of Ontario; and whereas the commercial interests of the city would, it is believed, be greatly promoted by the erection of the said hotel as proposed in the agreements annexed to said By-law; and whereas the Corporation of the City of Kingston has by its petition prayed that an Act be passed to validate and confirm the said By-law; and whereas it is expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 40 (1911) of City of Kingston confirmed.

**1**. By-law No. 40 (1911), of the Corporation of the City of Kingston set out in the Schedule to this Act is ratified and confirmed and declared to be valid and within the powers of the said the Corporation of the City of Kingston and to be binding upon the said Corporation.

SCHEDULE

## SCHEDULE.

BY-LAW No. 40, 1911.

*A By-law to ratify and confirm an agreement to guarantee a bond issue of $100,000 to promote the erection of an hotel.*

Whereas, it is desirable that this Corporation should aid in promoting the erection at Kingston of an hotel of the kind and description referred to in Schedule "A" hereunto annexed;

And whereas this Corporation has, with a view to promoting the erection of said hotel, entered into the agreement hereto annexed and forming Schedule "X" to this By-law and it is expedient to pass a By-law to ratify and confirm the same;

Be it therefore enacted by the Council of the Corporation of the City of Kingston as follows:

1. The agreement hereto annexed, marked Schedule "X" is hereby ratified and confirmed, but subject to the conditions severally set out in paragraph 9 of said Schedule "X."

2. The votes of the duly qualified electors of the City of Kingston shall be taken on this By-law by the Deputy Returning Officers hereinafter named, on Thursday, the 16th day of November, 1911, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the undermentioned places:—

Sydenham Ward.—Polling Sub-Division No. 1, at No. 42 Wellington Street, Jeff Lovitt, Deputy Returning Officer.

Sydenham Ward.—Polling Sub-Division No. 2, at No. 95 William Street, W. C. McDonald, Deputy Returning Officer.

Ontario Ward.—Polling Sub-Division No. 3, at Ontario Hall, Francis A. Quinn, Deputy Returning Officer.

Ontario Ward.—Polling Sub-Division No. 4, at No. 216 Bagot Street, John Johnson, Deputy Returning Officer.

St. Lawrence Ward.—Polling Sub-Division No. 5, at No. 345 King Street, A. E. Loscombe, Deputy Returning Officer.

St. Lawrence Ward.—Polling Sub-Division No. 6, at No. 316 Princess Street, G. E. Lennox, Deputy Returning Officer.

Cataraqui Ward.—Polling Sub-Division No. 7, at No. 72 Queen Street, James Barry, Deputy Returning Officer.

Cataraqui Ward.— Polling Sub-Division No. 8, at No. 229 Wellington Street, James Gowan, Deputy Returning Officer.

Cataraqui Ward.—Polling Sub-Division No. 9, at No. 43 Bagot Street, William Woods, Deputy Returning Officer.

Cataraqui Ward.—Polling Sub-Division No. 10, at corner Montreal and John Streets, James A. Donaldson, Deputy Returning Officer.

Frontenac Ward.—Polling Sub-Division No. 11, at No. 267 Princess Street, John Anderson, Deputy Returning Officer.

Frontenac Ward.—Polling Sub-Division No. 12, at No. 83 Colborne Street, James B. Gordon, Deputy Returning Officer.

Frontenac Ward.—Polling Sub-Division No. 13, at No. 41 Colborne Street, William Dean, Deputy Returning Officer.

Frontenac Ward.—Polling Sub-Division No. 14, at No. 58 John Street, Robert R. Allen, Deputy Returning Officer.

Frontenac Ward.—Polling Sub-Division No. 15, at No. 21 John Street, William J. Robinson, Deputy Returning Officer.

Rideau Ward.—Polling Sub-Division No. 16, at No. 270 Division Street, William Saunders, Deputy Returning Officer.

Rideau Ward.—Polling Sub-Division No. 17, at 605 Princess Street, John Hopkirk, Deputy Returning Officer.

Rideau Ward.—Polling Sub-Division No. 18, at No. 346 Brock Street, Richard James, Deputy Returning Officer.

Rideau Ward.—Polling Sub-Division No. 19, at No. 34 U. William Street, Herbert Holder, Deputy Returning Officer.

Rideau Ward.—Polling Sub-Division No. 20, at No. 346 University Avenue, Oscar Telgmann, Deputy Returning Officer.

Rideau Ward.— Polling Sub-Division No. 21, at No. 670 Princess Street, John Peters, Deputy Returning Officer.

Victoria Ward.—Polling Sub-Division No. 22, at No. 248 Earl Street, Andrew C. McMahon, Deputy Returning Officer.

Victoria Ward.—Polling Sub-Division No. 23, at No. 3 Division Street, Chester Wood, Deputy Returning Officer.

Victoria Ward.—Polling Sub-Division No. 24, at No. 57 King Street, Alfred Simons, Deputy Returning Officer.

Victoria Ward.—Polling Sub-Division No. 25, at corner Beverley and Kings Streets, Harvey Bates, Deputy Returning Officer.

3. On the 14th day of November, 1911, at the hour of twelve o'clock noon, the Mayor of the said City shall attend at the office of the City Clerk, in said City, for the purpose of appointing, and shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes given for and against this By-law, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the By-law, which place, day and hour are hereby fixed for said purpose.

4. On the 18th day of November, 1911, at the hour of twelve o'clock noon, at his office in the City of Kingston, the Clerk of the Municipality shall attend and sum up the number of votes given for and against the By-law.

5. This By-law shall come in force and take effect on its passing.

SCHEDULE "X."

Memorandum of agreement made this 23rd day of October, A.D. 1911.

BETWEEN:

Wallace H. Pendle, Charles E. Phenix and J. Wilbur Stevens, all of the City of Boston, in the State of Massachusetts, one of the United States of America, hereinafter called the Contractors, of the First Part,

—and—

The Corporation of the City of Kingston, hereinafter called the Corporation, of the Second Part.

WITNESSETH:

Whereas the Board of Trade of the City of Kingston have agreed with the Contractors as in the memorandum of agreement hereto annexed marked "A";

And whereas in consideration of the execution and performance of said memorandum of agreement by the said parties on their several parts the Corporation is willing to enter into this agreement with the Contractors for the purpose of binding itself to do, observe and perform the stipulations on its part proposed to be assumed by it as set out in said memorandum of agreement:

Now this Agreement witnesseth that in consideration of the premises and of the execution and due and faithful performance by the parties thereto of the agreement hereto annexed marked "A," the parties hereto covenant, promise and agree each with the other of them their and each of their executors, administrators, successors and assigns, as follows:

1. The Contractors shall well and faithfully do, observe and perform the several covenants, stipulations and agreements made, assumed and entered into on their part and contained in the said memorandum of agreement hereto annexed marked "A" and the Corporation may enforce the performance of the said several covenants, stipulations and agreements as if they had been made, assumed and entered into by the Contractors to and with the Corporation.

2. The bond issue of $100,000 mentioned in the annexed memorandum of agreement marked "A," shall mature and be payable as to the whole of the principal thereof at the expiration of thirty years from the date of said bonds; and payment of the principal and interest of the said bonds shall be guaranteed by the Corporation, and such guarantee shall be endorsed and printed upon each of the said bonds, and shall be signed by the Mayor and Treasurer of the Corporation under the corporate seal in the following form:

This debenture is guaranteed by the Corporation of the City of Kingston.

Dated the day of A.D. 1911.

Mayor.

(Seal.)

Treasurer.

3. The said bonds after the endorsement of the guarantee by the Corporation shall be delivered to the Toronto General Trusts Corporation, and shall be secured by a first mortgage to the Toronto General Trusts Corporation upon the lands, hotel and premises referred to in the annexed memorandum of agreement marked "A"; such mortgage shall be in a form to be approved by the City Solicitor of the Corporation and shall be executed, delivered and registered in the Registry Office for the Registry Division of the City of Kingston before the issue of any of said bonds.

4. Contemporaneously with the delivery to the Toronto General Trusts Corporation by the Corporation of the said bonds guaranteed as aforesaid, the Toronto General Trusts Corporation shall execute and deliver to the Corporation a deed of trust in a form to be approved by the City Solicitor of the Corporation declaring the trusts upon which the said bonds or the proceeds of the sale of them, and all moneys paid to the Toronto General Trusts Corporation on account of the sinking fund of said bonds are and shall be held by the said the Toronto General Trusts Corporation and binding the said the Toronto General Trusts Corporation well and faithfully to execute and discharge the said trusts.

5. The assessment of the said lands, hotel and premises, including the business assessment shall, during the currency of the said bonds, be fixed for all Municipal purposes at the sum of $50,000; except that the said lands, hotel and premises shall for School purposes be assessed at their full assessable value, including business assessment.

6. The said Hotel and buildings erected in connection therewith shall by the Contractors and at their sole cost and charge be insured against fire in a Company or Companies approved by the Corporation to an amount equal to the amount of the said bonds outstanding, less the amount from time to time on deposit with the Toronto General Trusts Corporation at the credit of the sinking fund for the redemption of said bonds and the policy or policies of insurance shall, in the usual form, be assigned or made payable to the Toronto General Trusts Corporation and a duplicate or duplicates of all said policies of insurance shall be deposited with the City Treasurer of the Corporation as shall also a duplicate or duplicates of all renewal receipts issued from time to time in respect of said policy or policies of insurance.

7. The Contractors shall pay to the Toronto General Trusts Corporation upon demand all its commission, fees and charges as Trustee in and about the execution and discharge of the trusts arising out of the issue of the said bonds and the delivery of the same to the said the Toronto General Trusts Corporation and shall indemnify and save harmless the Corporation of and from payment of said commission, fees and charges.

8. The company to be incorporated by the Contractors as set out in paragraph one of the memorandum of agreement hereto annexed and marked "A," shall forthwith after its incorporation enter into and execute an agreement with the Corporation binding the said proposed Company to do, observe and perform in all respects the covenants, stipulations and agreements herein on the part of the Contractors agreed to be done, observed and performed.

9. This agreement shall become operative and binding upon the Corporation:

First: Upon an agreement satisfactory to the City Solicitor of the Corporation being made and executed by or on behalf of the Board of Trade of the City of Kingston with the Corporation, binding the said Board of Trade to do, observe and perform the several things in the memorandum of agreement hereto annexed marked "A," agreed by the said Board of Trade on its part to be done, observed and performed;

Secondly: Upon a By-law of the Corporation ratifying and confirming this agreement being submitted to and approved by the ratepayers of the said City of Kingston as by law required in the case of a bonus By-law; and

Thirdly: Upon the said By-law being validated and confirmed by an act of the Legislative Assembly of the Province of Ontario:

IN WITNESS WHEREOF the said parties of the first part have hereunto set their several hands and seals, and the party of the second part has affixed its seal, authenticated by the hand of its Mayor, the day and year first above written.

Signed, sealed and delivered in presence of J. M. Farrell as to signature of Wallace H. Pendle and Charles E. Phenix.

Clifford B. Allen as to signature of J. Wilbur Stevens.

WALLACE H. PENDLE.

CHARLES E. PHENIX.

J. WILBUR STEVENS.

C. J. GRAHAM, *Mayor.*

L. S.

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*Schedule*

*Schedule A.*

Memorandum of agreement made this 23rd day of October, A.D. 1911.

BETWEEN

Wallace H. Pendle, Charles E. Phenix and J. Wilbur Stevens, all of the City of Boston, in the State of Massachusetts, one of the United States of America (hereinafter called the Contractors),

and

The Board of Trade of the City of Kingston (hereinafter called the Board).

Whereas the Contractors undertake and agree to form a corporation under the laws of Ontario, said Corporation to erect an hotel in the City of Kingston, in said Province;

And whereas the Board propose to assist them in the erection of said hotel;

Now this agreement witnesseth that in consideration of the premises and the sum of one dollar, the parties hereto do hereby mutually covenant, promise and agree to and with each other as follows, that is to say:

1. The Contractors agree to form a Company under the laws of the Province of Ontario, capitalized for Two hundred and ten thousand dollars ($210,000), Eighty-five thousand dollars ($85,000) of which shall be Common Stock, and One hundred and twenty-five thousand dollars ($125,000) shall be Preferred Stock. The par value of said shares of stock shall be One hundred dollars ($100), and the holder of a certificate of Preferred Stock will be entitled to receive a semi-annual cumulative dividend at the rate of six per cent. (6 per cent.) per annum before any dividend is paid upon the Common Stock.

2. Said Preferred Stock to be subject to redemption at One hundred and ten dollars ($110) per share and accumulated dividends, upon such notice to the holders thereof as the Directors may determine on any interest day, and upon surrender of the certificates to the Treasurer of the said Company.

3. The said Preferred Stock shall be secured by a second mortgage on the lands particularly described in paragraph six of this agreement, and on the buildings to be erected thereon, from the said Company to the Standard Bank of Canada, as Trustees for the said Preferred Stockholders.

4. Every share of Preferred Stock shall carry with it the same voting powers as like shares of the Common Stock.

5. In the event of liquidation the net proceeds of the assets of the Company, after discharging any mortgage that may be on the property to secure the bonds hereinafter named, shall be first applied to the payment to the holders of the Preferred Stock of the sum of One hundred dollars ($100) per share, and accrued and unpaid dividends thereof, and the said payment shall be a first charge on the said assets, subject as aforesaid.

6. The Board is to convey to the said Company, free and clear of all encumbrances, the lot of land on King Street known as the Carruthers Lot, containing about three and one-half acres, and the Board is to pay to the Company, as hereinafter mentioned, the sum of Twenty thousand dollars ($20,000), and for said Twenty thou-

sand

sand dollars ($20,000) and said deed of land the said Company is to deliver to the Board Fifty thousand dollars ($50,000), par value, of said Preferred Stock.

7. The said Company is to make a bond issue of One hundred thousand dollars ($100,000), secured by a first mortgage to the Toronto General Trusts Corporation as Trustees on said land, and the buildings to be erected thereon, which said bonds shall bear interest at the rate of four and one-half per cent. (4½ per cent.) per annum, payable half-yearly.

8. The Board agrees that it will use its best efforts to have the City of Kingston guarantee the said bond issue of One hundred thousand dollars ($100,000).

9. The Contractors will proceed, within thirty days after the final passing of the City By-law guaranteeing the said bonds, to erect a fireproof hotel on said lands as per plans filed with the Board, and plans and specifications to be submitted to and approved by an architect to be designated by the Corporation of the City of Kingston, at an approximate cost of One hundred and eighty thousand dollars ($180,000), exclusive of the land, and complete same within eighteen months; and will furnish and equip the same ready for business, the approximate cost of said furniture and equipment to be Fifty thousand dollars ($50,000).

10. The said hotel, when completed, is to be leased by the said Company to the said Charles E. Phenix and J. Wilbur Stevens for a term of ten years, with a renewal option of ten years, and at a cash rental sufficient to pay the interest on said bonds, the dividends on said Preferred Stock, and provide a sinking fund of at least Two thousand one hundred dollars ($2,100) a year for the purpose of retiring said first mortgage bonds, said annual payments for the sinking fund to be paid to the Toronto General Trusts Corporation, trustees for the bond holders; and in addition to said amount the said Charles E. Phenix and J. Wilbur Stevens shall pay all taxes, including local improvement taxes, insurance, repairs, replacements and other charges of every nature and kind connected with or incident to the maintenance and running of said hotel during the term of said lease or the renewal thereof.

11. The bonds guaranteed by the City of Kingston are to be issued (or, if previously sold, the proceeds thereof advanced) by the Trustees to the Company in the following manner:

An architect to be named by the City of Kingston is to give the Toronto General Trusts Corporation, the Trustees, monthly a certificate, signed by him, of the value, as a part of the hotel to be constructed as aforesaid, of the work done and material used in the erection of the hotel for a month preceding the date of the certificate, and upon the said certificate the Trustees are to advance to the Company fifty per cent. (50 per cent.) of the value of construction for the month so ascertained until the whole value of the work done and certified as aforesaid shall be One hundred and fifty thousand dollars ($150,000); the balance of the bonds or the proceeds thereof not so advanced to be issued or paid over to the Company by the Trustees after the expiration of thirty-one days from the completion of the hotel, as certified to by the said architect upon delivery to the Trustees of a certificate of the Registrar for the City of Kingston that at the expiration of said thirty-one days no undischarged mechanics' liens were registered against the lands comprised in said mortgage.

12. The Board will arrange for a fixed assessment on the property at a sum not to exceed Fifty thousand dollars ($50,000), exclusive of school taxes.

13. The Contractors agree that the City Solicitor of Kingston shall be a Director on the Board of the said Company as the

nominee

nominee of the City of Kingston, and for this purpose agree to transfer to the City of Kingston, free of charge, sufficient Common Stock to qualify him as a Director.

14. The Preferred Stockholders who may from time to time hold the Fifty thousand dollars ($50,000) of Preferred Stock to be issued in the first place to this Board, or such persons as it may designate, shall have as a Director of the Company such person as may be nominated by the majority in value of the holders of said Fifty thousand dollars ($50,000) Preferred Stock.

15. All Contractors in the City of Kingston are to have an opportunity to tender for the construction of the said hotel.

In witness whereof the said parties hereto have hereunto subscribed their names and affixed their seals the day and year first above written.

Signed, sealed and delivered in presence of

WALLACE H. PENDLE.

CHARLES E. PHENIX.

J. WILBUR STEVENS.

Per pro CHARLES E. PHENIX.

CHAPTER

# CHAPTER 105.

## An Act to confirm By-law No. 43 of 1911, of the City of Kingston.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the City of Kingston has petitioned praying that an Act may be passed validating, ratifying and confirming By-law No. 43 of 1911 of the said corporation set out in Schedule "A" hereto; and whereas, before the final passing thereof the said By-law was submitted to a vote of the ratepayers in accordance with the provisions of *The Consolidated Municipal Act, 1903,* as to Bonus By-laws, and was approved by more than two-thirds of the ratepayers entitled to vote on the said By-law; to wit, out of a total possible vote of 2,651, there being 1,917 votes cast in favour of the By-law and 107 votes against it; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 43 of 1911 of the City of Kingston confirmed.

**1.** By-law No. 43, of 1911, of the Municipal Corporation of the City of Kingston, set forth in Schedule "A" to this Act is confirmed and declared legal, valid and binding upon the said Corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said Municipality to pass the By-law and notwithstanding any defect in substance or in form of the said By-law or in the manner of passing the same; and the said Corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-law.

SCHEDULE "A."

BY-LAW No. 43, 1911.

A By-law to partially exempt the property of Canadian Locomotive Company, Limited, in the City of Kingston, from the first day of January, 1912.

Passed

Passed 8th January, 1912.

Whereas Canadian Locomotive Company, Limited, have applied to this Council for a partial exemption of their property in said City and have represented that they are about to make certain additions and extensions to their works and property in this City to the amount of at least $300,000 as hereinafter mentioned;

And whereas, it is expedient to grant the exemption prayed for, but upon the terms and conditions as hereinafter set forth;

Be it therefore enacted, by the Council of the Corporation of the City of Kingston, as follows:—

1. That the assessment of the real and personal property of Canadian Locomotive Company, Limited, owned and used by them for the purpose of their business and situated within the Municipality of the City of Kingston be fixed for the purpose of Municipal Taxation, except for school purposes, at the sum of $100,000, including any business assessment, for the period of ten years from the 1st day of January, 1912, and, subject to the approval and confirmation of the Legislative Assembly of the Province of Ontario, for a further period of ten years from the expiration of that time, provided the said Company expend in the improvement and extension of their property, works and plant, in said city, the sum of at least $150,000 within one year, and such further sum as with the amount expended in the first year will make the sum of at least $300,000 expended within two years from the first day of January, A.D. 1912, such expenditure to be established to the satisfaction of the City Treasurer and upon default in making such expenditure the said exemption shall cease for the year in which the default occurs and should the $300,000 not be expended within the said two years the exemption to wholly cease.

2. The votes of the duly qualified electors of the said Municipality shall be taken upon the By-law at the same time, and on the same day and at the same places and by the same Deputy Returning Officers as for the annual election for the Municipal Council for the year 1912.

3. On the 21st day of December, 1911, at the hour of eleven o'clock in the forenoon, the Mayor of the said City shall attend at the office of the City Clerk in said City for the purpose of appointing and shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes given, for and against this By-law, and one person to attend at each polling place on behalf of the persons interested in, and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in, and desirous of opposing the passing of this By-law, which place, day and hour, are hereby fixed for said purpose.

4. On the second day of January, 1912, at the hour of twelve o'clock noon, at his office in the City of Kingston, the Clerk of the said Municipality shall attend and sum up the number of votes given for and against the By-law.

(Sgd.) FRANKLIN JOHN HOAG,
*Mayor.*

Seal.

W. W. SANDS,
*City Clerk.*

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CHAPTER

# CHAPTER 106.

## An Act respecting the Town of Lindsay.

*Assented to 16th April, 1912.*

Preamble. WHEREAS the Corporation of the Town of Lindsay has by petition represented that the construction of the local improvement works provided for by By-laws Numbers 1221, 1222, 1240 and 1241 of the said Corporation, particulars of which are set forth in Schedule "A" hereto, was undertaken, and the said By-laws have been passed by the Council of the said Town, and most of such works have been constructed and paid for out of moneys provided by way of temporary loans; that by reason of certain of such works having been constructed a few years prior to the passing of the By-laws, the repayment of the loan and the maturing of the debentures, as provided for in the said By-laws, does not fall within the probable life of certain of the said works or improvements, as certified by the proper officer appointed by the Council for that purpose, although within the actual probable lifetime of the said works or improvements; that for one of the said works, namely L. I. No. 191, by inadvertence, no Court of Revision was held, although all property owners petitioned for the said work and none of the said owners have made any complaint in regard to their assessment therefor; that most of the rates imposed by the said By-laws Nos. 1221 and 1222 falling due in the year 1911, have been collected; that by reason of the doubts as to the validity of the said By-laws Numbers 1221 and 1222 the said Corporation has been unable to sell the debentures thereby authorized to be issued and are unable to pay off the said temporary loans; that as doubts may arise as to the validity of By-laws Numbers 1240 and 1241 when the debentures are offered for sale, it is desirable that all of such By-laws be confirmed; and whereas the said Corporation has by its petition further represented that it has incurred a floating indebtedness of $9,958.84 whereof $4,524 is a shortage in the Public Schools Sinking Fund account, created by By-laws Numbers 561 and 612, and whereof $5,434.84 has been incurred by the failure to levy a sufficient rate to pay all the current expenses in the years 1908, 1909 and 1910; that the existing

existing debenture debt of the said Corporation is the sum of $267,042.44, including local improvement debentures secured by special rates; that the total assessment of the said Town of Lindsay for the year 1911 is the sum of $2,668,075; that to pay the said floating debt forthwith would be unduly oppressive to the ratepayers of the said Corporation; that the said Town desires to borrow by special issue of debentures a sum not exceeding $10,000, to liquidate the said floating indebtedness; and whereas the said Corporation has by its petition prayed that an Act may be passed for the above-mentioned purposes; and whereas it is expedient to grant the prayer of the said Petitioners;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PART I.

Confirmation of certain by-laws.

**1.** By-laws numbers 1221, 1222, 1240 and 1241, particulars of which are set out in Schedule "A" hereto, are confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Rates imposed confirmed.

**2.** The rates imposed by the said By-laws for the payment of the debts authorized by the said By-laws, and the interest thereon, including the rates imposed, levied and collected in the year 1911, are confirmed and declared to be valid and binding upon the said Corporation and upon the lands referred to in the said By-laws respectively.

Debentures confirmed.

**3.** All debentures issued or to be issued or purporting to be issued under the said By-laws Numbers 1221, 1222, 1240 and 1241 are confirmed and declared to be valid and binding upon the Corporation of the Town of Lindsay and it shall not be necessary for the purchasers of such debentures, or any of them, to inquire into the validity of the proceedings relating to the issue of the same.

## PART II.

Floating debt consolidated.

**4.** The said floating debt of the Corporation of the said Town of Lindsay is consolidated at the sum of $9,958.84, and the said Corporation may raise by way of loan on the credit of its debentures to be issued under the authority of this Act, from any person or body corporate, the sum of $10,000.

Debentures, term of and when payable.

**5.** A portion of such debentures shall be made payable in each year, for a period not exceeding ten years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to the aggregate amount payable for principal and interest during each of the other years of the

period

period within which the debt is to be discharged; such interest shall be made payable by coupons to be attached to the said debentures, if the By-law so directs, and shall be at such rate, not exceeding five per cent. per annum, as the said Corporation may direct, and shall be payable yearly.

Hypothecation of debentures.

**6.** The said Corporation may, for the purpose herein mentioned, raise money by way of loan on the said debentures, or sell and dispose of the same as may be deemed expedient.

Application of proceeds of debentures.

**7.** The said debentures, and all moneys arising therefrom, shall be applied by the said Corporation to the redemption of the said floating debt of $9,958.84, and the costs of the special Act, and for no other purposes whatsoever.

Assent of electors not required.

**8.** It shall not be necessary to obtain the assent of the ratepayers of the said Corporation to the passing of any By-law or By-laws which shall be passed under this Part, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and amendments thereto, and any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Part, shall not apply to the By-law or By-laws to be passed by the said Corporation under this Part.

Irregularity of form not to invalidate.

**9.** No irregularity in the form of the said debentures, or any of them, or of any By-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder of said debentures shall not be bound to enquire as to the necessity of passing such By-law or issuing debentures, or as to the application of the proceeds thereof.

By-law not to be repealed until debt satisfied.

**10.** Any By-law to be passed under this Part shall not be repealed until the debt created under such By-law and interest thereon is fully paid and satisfied.

Special rates.

**11.** The said Corporation shall levy on all the rateable property in the said Town of Lindsay, in addition to all other rates, to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Part, for payment of the said floating debt, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Other indebtedness not affected.

**12.** Nothing in this Part contained shall be held or taken to discharge the Corporation of the Town of Lindsay from any indebtedness or liability which may not be included in the indebtedness hereby consolidated.

SCHEDULE

SCHEDULE A.

| No. of By-law. | Nature of Work under By-law. | When passed by Council | Total cost of work. | Amount to be borne by Town. | Amount to be borne by rate-payers. | Period of Payment. | Rate of Interest. |
|---|---|---|---|---|---|---|---|
| 1221 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain granolithic walks, sewers and cellar drains and of a paved roadway on William Street.. | June 12th, 1911 | $47,200 00 | $28,492 42 | $18,707 58 | 10 years for walks and 20 years for sewers, drains and paved roadway | 4½% |
| 1222 | Debentures to defray Town's share of the cost of certain granolithic walks, sewers and cellar drains and of a paved roadway on William Street ..... | " | " | " | " | " | " |
| 1240 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain granolithic walks and sewers and cellar drains..... | December 29th, 1911 | 6,126 32 | 3,583 08 | 2,543 24 | 10 years | " |
| 1241 | Debentures to defray Town's share of the cost of certain granolithic walks and sewers and cellar drains. | " | ..... | 4,165 00 | ..... | " | " |

# CHAPTER 107.

## An Act respecting the City of London.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the City of London has by Petition represented that the Council of the Corporation on the Twenty-ninth day of December, A.D. 1911, passed certain By-laws Numbered 3769, 3770 and 3771 to levy the cost of the construction of certain local improvements therein mentioned, and for the issue of debentures to pay for the cost of the same; that the said Council did on the Twenty-ninth day of December, A.D. 1911, pass a By-law Numbered 3772 to consolidate the several issues of debentures mentioned in the said By-laws Numbered 3769, 3770 and 3771; that the said Council did on the Eighth day of January, A.D. 1912, pass a by-law Numbered 3781 to provide for the issue of $50,000 debentures for the purpose of purchasing the necessary land, and erecting and installing thereon an incinerator and plant with the necessary apparatus for the collection and disposal of garbage, after it had received the assent of the electors; that the said Council did on the Eighth day of January, A.D. 1912, pass a By-law Numbered 3782 to provide for the issue of $20,000 debentures for the purpose of constructing and erecting a bridge across the River Thames at the Wharncliffe Highway, after it had received the assent of the electors; that the said Council did on the Twenty-sixth day of January, A.D., 1912, pass a By-law Numbered 3791 to raise the sum of $57,000 to extend the London Waterworks, after it had received the approval of the Ontario Railway and Municipal Board; that the said Council did on the Twenty-sixth day of January, A.D. 1912, pass a By-law Numbered 3792 to raise the sum of $90,000 for electric light and power works, after it had received the approval of the Ontario Railway and Municipal Board; and whereas the said Corporation has further represented that the said By-laws should be con-

firmed

firmed in order that the debentures to be issued thereunder may be more readily and profitably disposed of; and whereas the said Corporation has further represented that it is expedient that the said Council should be permitted to expend for the purpose of paying the salary of a Commissioner of Industries, and for diffusing information respecting the advantages of the City of London as a manufacturing, business, educational or residential centre, annually the sum not exceeding $5,000; and whereas the said Corporation has further represented that it is expedient that the said Council should be authorized to issue debentures not exceeding $6,000 for the purpose of erecting a public comfort station and weigh scales office on the Market Square in the said City, without submitting the By-law for that purpose to or receiving the assent of the electors of the said City; and whereas the said Corporation has further represented that the said Council should be authorized to pass a By-law by a two-thirds vote of all the members of the Council, to renew the exemption of the London Rolling Mills Company until the end of the year 1912; and whereas the said Corporation has further represented that it is expedient that authority should be granted to provide, authorize and direct that the Water Commissioners for the City of London shall have the whole management and control of all the City Parks, and the care of the boulevards, and may, out of any moneys received by them, expend in such management, control and care a sum not exceeding $20,000 per year; and whereas the said Corporation has further represented that the said Council should be authorized to issue debentures not exceeding $18,000 for the purpose of purchasing an aerial truck, an automobile for the Chief of the Fire Department, an automobile chemical and hose wagon, and for alterations to the City Fire Halls, without submitting the By-law for that purpose to or receiving the assent of the electors; and whereas the said Corporation has further represented that the said Council should be authorized to issue debentures, for the Water Commissioners for the City of London, for the sum of $61,000 to provide for additional pumping plant and apparatus, main extensions and workshops, and the lighting of Springbank Park, without submitting the By-law for that purpose to or receiving the assent of the electors; and whereas the said Corporation has further represented that the said Council should be authorized to issue debentures for the Water Commissioners for the City of London, for the sum of $66,900, to provide for extensions and additions to the electric light plant of the City of London, for the purchase of meters and other apparatus, and for the erection of buildings for stores and workshop, without submitting the By-law for that purpose to or receiving the assent of the electors; and whereas the said Corporation has further

further represented that the said Council should be authorized to issue debentures for the sum of $17,500 to provide for improvements and additions to Victoria Hospital in the said City of London, without submitting the By-law for that purpose to, or receiving the assent of, the electors; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain by-laws confirmed.

**1.**—(1) The By-laws of the Corporation of the City of London specified in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are confirmed, and declared to be legal, valid and binding.

Authority to pass a certain by-law.

(2) The moneys to be borrowed under the authority of By-laws Numbered 3769, 3770, 3771 and 3772 mentioned in the said Schedule, or any of them, shall be borrowed upon the credit of the Corporation at large and debentures of the Corporation may be issued therefor and such debentures shall be valid and binding upon the Corporation.

Authority to borrow $6,000 for erection of public comfort station.

**2.** Notwithstanding the provisions of any Act or law, the Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of $6,000, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest not exceeding five per cent. per annum, as the Council of the said Corporation may determine, for the erection of a public comfort station and weigh scales office on the Market Square, in the said City of London.

Power to borrow $15,000 for purchase of aerial truck, etc.

**3.** Notwithstanding the provisions of any Act or law, the Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of $15,000, and may issue debentures therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest not exceeding five per cent. per annum as the Council of the said Corporation may determine, for the purchase of an aerial truck, and an automobile chemical and hose wagon, and for alterations to the City Fire Halls.

Power to borrow $61,000 in connection with water works system.

**4.** Notwithstanding the provisions of any Act or law, the Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of $61,000, for the Water Commissioners for the City of London, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate

of

of interest not exceeding five per cent. per annum as the Council of the said Corporation may determine, to provide for additional pumping plant and apparatus, main extensions and workshops, and the lighting of Springbank Park.

Power to borrow $66,900 in connection with electric light system.

**5.** Notwithstanding the provisions of any Act or law, the Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of $66,900, for the Water Commissioners for the City of London, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest not exceeding five per cent. per annum as the Council of the said Corporation may determine, to provide for extensions and additions to the electric light plant of the City of London, for the purchase of meters and other apparatus, and for the erection of buildings for stores and workshop.

Power to borrow $17,500 and issue debentures.

**6.** Notwithstanding the provisions of any Act or law, the Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of $17,500, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, at such rate of interest not exceeding five per cent. per annum as the Council of the said Corporation may determine, to provide for improvements and additions to Victoria Hospital in the said City of London.

Assent of electors not required to by-laws.

**7.** It shall not be necessary that any of the By-laws for the purposes mentioned in the next five preceding sections shall be submitted to or receive the assent of the electors of the said City, but all the other provisions of *The Consolidated Municipal Act, 1903,* which are applicable and which are not inconsistent with the provisions of this Act, shall apply to the said By-laws.

Irregularity in form not to invalidate.

**8.** No irregularity in the form of the debentures issued under the authority of the Act, or of any By-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the Corporation of the City of London for the recovery of the amount thereof, or interest thereon, or any part thereof.

Salary of Commissioner of Industries.

**9.** The Corporation of the City of London may each year include in the annual estimates a sum not exceeding $5,000 to pay the salary of a Commissioner of Industries, and for diffusing information respecting the advantages of the City of London as a manufacturing, business, educational or residential centre, and may expend the same accordingly.

Water Commissioners to have management of public parks, etc.

**10**. The Water Commissioners for the City of London shall, from and after the passing of this Act, have the whole management and control of all the public parks in the said City of London, and Springbank Park owned by the Corporation of the City of London, and situate in the Township of Westminster, and the care of the public boulevards in the said City, and shall have, with respect thereto all the powers which the Board of Park Management have under the provisions of *The Public Parks Act,* including the right to make up an estimate of the sums required during the ensuing financial year as provided by section 17 of the said Act, and the Council of the Corporation of the City of London shall be bound to levy and assess in each year, a special annual rate sufficient to furnish the amount estimated by the said The Water Commissioners for the City of London to be required for the year, but not exceeding one-half mill in the dollar upon the assessed value of all rateable real and personal property, such rate to be called the Park Fund Rate, in the same manner as if the said estimate had been made up and reported to the Council by The Board of Park Management under the provisions of said section 17 of the said Act.

Exemption of property of London Rolling Mills Co. on two-thirds vote of council.

**11**. Notwithstanding the provisions of any Act or law, the Corporation of the City of London may pass a By-law, by a two-thirds vote of all the members of the Council thereof, to renew the exemption of the London Rolling Mills Company until the end of the year 1912.

Short title.

**12**. This Act may be known and cited as *The City of London Act, 1912.*

SCHEDULE

## SCHEDULE "A."

LIST OF BY-LAWS PROVIDING FOR THE ISSUE OF DEBENTURES BY THE COUNCIL OF THE CITY OF LONDON.

| No. of By-law. | Date of passing of By-law. | Nature of work under By-law. | Amount of Debt created. | Amount to be borne by City. | Amount by ratepayers. | Time. | Rate. |
|---|---|---|---|---|---|---|---|
| 3769 | December 29th, 1911 | Local improvement debentures to defray the cost of certain cement sidewalks, kerbs and gutters constructed in 1911.. | $12,649 65 | $2,229 70 | $10,419 95 | 10 years | 4½% |
| 3770 | December 19th, 1911 | Local improvement debentures to defray the cost of certain tile sewers constructed in 1911 ..... | 16,080 14 | 4,399 82 | 11,680 32 | 10 years | 4½% |
| 3771 | December 29th, 1911 | Local improvement debentures to defray the cost of certain pavements constructed in 1911 ..... | 26,178 95 | 7,637 64 | 18,541 31 | 10 years | 4½% |
| 3772 | December 29th, 1911 | To consolidate the several issues of debentures referred to in By-laws Numbered 3769, 3770 and 3771, and to provide for raising by debentures the City's share of the cost of the improvements in the said By-laws mentioned which is to be raised by special rate..... | 54,908 74 | 14,267 16 | 40,641 58 | 10 years | 4½% |
| 3781 | January 8th, 1912 | To raise $50,000.00 debentures for the purpose of purchasing the necessary land, and erecting and installing thereon an incinerator and plant with the necessary apparatus for the collection and disposal of garbage..... | 50,000 00 | 50,000 00 | ..... | 30 years | 4¼% |
| 3782 | January 8th, 1912 | To raise $20,000.00 debentures for the purpose of constructing and erecting a bridge across the River Thames at the Wharncliffe Highway ..... | 20,000 00 | 20,000 00 | ..... | 20 years | 4¼% |
| 3791 | January 26th, 1912 | To raise $57,000.00 debentures to extend the London Waterworks ..... | 57,000 00 | 57,000 00 | ..... | 30 years | 4¼% |
| 3792 | January 26th, 1912 | To raise $90,000.00 debentures for electric light and power works..... | 90,000 00 | 90,000 00 | ..... | 30 years | 4¼% |

# CHAPTER 108.

## An Act to confirm an Agreement entered into between one Joseph W. Williams and the Town of Milton, Dated 14th March, 1911, and By-law Number 441 of the Town of Milton.

*Assented to 16th April, 1912.*

Preamble. WHEREAS the Municipal Corporation of the Town of Milton and "Williams & Son, Limited," a Company carrying on business as Shoe Manufacturers in the said Town of Milton, have represented that a Company known as "Durgin-Williams, Limited," had prior to the year 1912 been carrying on business as Shoe Manufacturers in the Town of Brampton, in the Province of Ontario, and that owing to inability to procure assistance from the Town of Brampton and other concessions the said Company could not secure suitable premises there to carry on their business longer and were obliged to cease doing business and go into voluntary liquidation. That Joseph W. Williams, who had been a member of "Durgin-Williams, Limited," on the 14th of March, 1911, entered into an Agreement with the said Town of Milton by which in consideration that he or any Company he might organize would purchase or erect suitable buildings in the Town of Milton at a cost of not less than $5,000.00, and properly equip same for a Shoe Manufacturing business so that the total value of the buildings, plant and machinery should not be less than $15,000.00 free of encumbrance, and would employ at least forty employees on an average in each working day in the year, with an average pay roll of $400.00 per week, and would give the said Town of Milton a first mortgage on the premises for $12,000.00 to secure them against any liability, the said Town agreed to submit a By-law to the ratepayers to guarantee the Bonds of the said Company to the extent of $12,000.00, the proceeds of which were to be applied in the purchase or erection of a Shoe Factory and premises in the said Town of Milton and fully equipping same, and would also grant exemption from taxation, except school taxes, for a period of ten years and

and a supply of water free, and the said Town of Milton further agreed to submit a By-law (Number 441) to the ratepayers for the purpose of carrying out the matters aforesaid; further that the said Joseph W. Williams procured a Company known as "Williams & Son, Limited," to be duly incorporated, and on the 10th day of April, 1911, the said By-law was voted upon by the ratepayers of the said Town of Milton and duly carried and was finally passed by the Council of the said Town of Milton on the 18th day of April, 1911, and registered in the Registry Office for the Registry Division of the County of Halton, on the 26th day of April, 1911. That no application has been made, action brought or proceeding had to quash or set aside the said By-law, or any part thereof, and the same has not been repealed or amended. That the said Company, "Williams & Son, Limited," have purchased premises in the said Town of Milton and have commenced to do business, but have been unable to dispose of the Bonds which have been issued pursuant to the Agreement and By-law aforesaid, and doubts have arisen as to the validity of the said Agreement and By-law, it being alleged by Counsel for intending purchasers of said Bonds that the said Agreement and By-law are in contravention of the provisions of *The Consolidated Municipal Act, 1903*, although no objection to the said Agreement and By-law had been made by the Corporation of the Town of Brampton or by any other person or party, and "The Municipal Council of the Town of Milton" and "Williams & Son, Limited," have been advised to apply for an Act to make valid the said Agreement, By-law and Bonds issued thereunder as aforesaid, and have by their Petition prayed that an Act may be passed to legalize and confirm the said Agreement and By-law; and whereas no opposition has been offered to the said Petition; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement and By-law 441 confirmed.

**1**. The Agreement entered into between Joseph W. Williams and the Municipal Corporation of the Town of Milton, bearing date the 14th day of March, A.D. 1911, as set forth in Schedule "A" to this Act, and By-law Number 441 of the Corporation of the Town of Milton intituled "A By-law to authorize the Corporation of the Town of Milton to guarantee the Bonds of "Williams & Son, Limited," of Milton, to the extent of twelve thousand dollars and interest thereon at the rate of five per cent. per annum," as set forth in Schedule "B" to this Act, are confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the

ratepayers

ratepayers thereof, and the said Corporation is authorized and empowered to do all acts provided for in the said By-law.

May guarantee bonds.

**2.** The said Corporation of the Town of Milton is empowered to guarantee the Bonds of "Williams & Son, Limited," as provided by the said By-law.

General powers.

**3.** The said Corporation of the Town of Milton is authorized and empowered to do all acts and things necessary and proper for the full and effectual carrying out of the objects of the said Agreement and By-law, and that the same shall be legal and binding upon "Williams & Son, Limited."

SCHEDULE "A."

This Agreement, made in duplicate this fourteenth day of March, A.D. 1911.

BETWEEN—

J. W. Williams, of the First Part;

—and—

The Municipal Corporation of the Town of Milton, of the Second Part.

WITNESSETH that the said parties hereto, for themselves, their successors and assigns, do hereby mutually promise and agree to and with each other, in manner and form as follows:—

The said Party of the First Part agrees:

Firstly: To purchase a satisfactory site and buildings located within the limits of the Town of Milton, or to purchase a site and erect thereon substantial buildings to cost not less than five thousand dollars ($5,000.00) and to place therein machinery and plant, required in the manufacture of boots and shoes, the total equipment, including the buildings and lands and said plant and machinery, to be of not less value than fifteen thousand dollars ($15,000.00), and to be free from all liens, charges and encumbrances of every kind, other than the mortgage hereinafter mentioned.

Secondly: The said party of the first part shall erect and complete said buildings or purchase said buildings and site and shall place the said machinery and plant therein and have the same in operation as a going concern the first day of August, A.D. 1911, and shall during the term of twenty years from the first day of August, 1911, employ in the said business, in the said Town of Milton, not less than forty employees on the average for each working day of each year in the said term, and shall pay in wages a sum averaging not less than four hundred dollars per week, unless prevented by fire, strikes or other unavoidable cause, the calculation as to number of employees employed and the amount of wages paid, to be made as hereinafter provided.

Thirdly: The said party of the first part shall execute and deliver to the said party of the second part, a first Mortgage for the sum of twelve thousand dollars ($12,000.00) upon the said buildings, lands and premises, plant and machinery, including the boiler, engine and heating apparatus, fixed and movable, and all other fixtures, machinery and plant, to be subsequently placed upon the said premises, in connection with the said business (which said plant, machinery and fixtures shall for the purpose of the said security

security be regarded as part of the freehold) free from all dower, liens, charges and encumbrances of every kind, and the same to be of the total value of at least fifteen thousand dollars ($15,000.00) as hereinbefore set forth, as a guarantee of good faith, and for the faithful performance of all the conditions and covenants binding upon the said party of the first part, under this agreement, until the discharge of the said mortgage, as hereinafter provided, and to secure the said party of the second part against any possible loss whatsoever, on account of the said party of the second part undertaking to guarantee the bonds of the said party of the first part to the extent of twelve thousand dollars ($12,000.00) and interest thereon at five per cent. per annum as hereinafter provided, and to secure the said Municipality against the payment of the said bonds. The said mortgage shall be prepared and made in pursuance of the Act respecting Short Forms of Mortgages, and shall contain the usual Statutory Covenants, contained in such mortgage, and such others as the Municipality shall deem advisable for the security thereby intended, right to convey, quiet possession on default, freedom from encumbrance, further assurance, that no Act to encumber has been done, insurance to the extent of at least two-thirds of the cash value of the buildings, plant and machinery on the mortgage premises, and at all times insurance to the extent of the bonds from time to time unpaid, a release from all claims, subject to proviso for repayment, a power of sale on default for three months on one months' notice, and until default Mortgagor to have quiet possession. The mortgage shall provide that all terms, conditions and provisoes of this agreement shall, so far as the same may be applicable to both parties hereto be included in, and form a part of the said mortgage until the same be discharged as hereinafter provided. If at any time required by the said party of the second part the said party of the first part shall execute and deliver to the said party of the second part a Confirmatory Mortgage on the said lands and premises, machinery and plant as additional security to the said mortgage.

Fourthly: The party of the first part will assign, transfer and deliver over unto the said party of the second part the Policy or Policies of Assurance on the said buildings, plant and machinery, to be held by the said party of the second part as long as any portion of the money secured by the said mortgage shall remain unpaid and as long as the liability of the said party of the second part as Guarantors of the said Bonds of the party of the first part shall exist and until the said Bonds shall be fully paid and satisfied by the said party of the first part. In the event of damage by fire the moneys payable under said Policy or Policies shall be payable to the Municipality, and shall by the said Municipality be applied in restoring the building or buildings, plant or machinery so damaged or held by the said Municipality to pay the unpaid or unmatured bonds guaranteed by the said Municipality as aforesaid. If the party of the second part shall pay any premiums or sums of money for insurance of the said premises, plant or machinery, or any part thereof, the amount of such payments, with interest thereon at the rate of six per cent. per annum from the time of such payment, shall be repayable to them forthwith and shall be recoverable under this mortgage.

Fifthly: The said party of the first part shall annually during the said term of twenty years, if required to do so, submit to the party of the second part a statement as to wages paid and persons employed by the party of the first part, such statement to be prepared and signed by a regular Chartered Accountant satisfactory to the party of the second part, and, if required, also verified by Statutory Declaration to be made by the party of the first part, And if it shall appear at any time that the average number of employees of the said party of the first part has been less than forty on the average for each working day during any year of the said term, then the said party of the second part shall be entitled to realize from the said party of the first part as liquidated dam-

ages

ages for such default, at the rate of $10.00 per annum for each employee short of the said average number of forty to be so employed as hereby required; and further, if it shall appear that the average weekly amount paid for wages during the year by the said party of the first part has been less than $400.00, then the said party of the second part shall be entitled to realize from the said party of the first part as liquidated damages for such default at the rate of $10.00 for each $25.00 short of the said weekly average of $400.00. Any and all disputes arising under this clause shall be settled by a Board of three Arbitrators, one of whom shall be selected by the party of the first part, another by the party of the second part, and the third to be chosen by the other two.

Sixthly: In the event of default being made during the currency of the said mortgage in any of the conditions and terms set out to be observed and performed by the said party of the first part under this Agreement, then in such case the party of the second part shall have the right to recover as liquidated damages the several sums set out under this Agreement in reference to such default, and for such purpose may exercise all their rights and remedies as mortgagees under the said mortgage until the discharge of the said mortgage, in as full and ample a manner to recover said sums as if default had been made in payment of the sum secured by the said mortgage, and this clause may be pleaded as an estoppel to any defence preventing the said party of the second part from proceeding to realize the said sums under the said mortgage during such time. If at any time the said party of the second part shall be called upon to pay any of the said Bonds of the said party of the first part, and in every such case in which default shall be made by the said party of the first part, the party of the second part shall have the right to recover as liquidated damages such sum or sums with interest on the same at the rate of six per cent. per annum from date of payment so paid by them, and for such purpose may exercise all their rights and remedies as mortgagees under the said mortgage until the discharge thereof, in as full and ample a manner to recover the said sum or sums, with interest as aforesaid, as if default had been made in payment of the monies secured by the said mortgage, and this clause may be pleaded as an estoppel to any defence preventing the said party of the second part from proceeding to realize such sum or sums under said mortgage during such time.

Seventhly: The said party of the first part shall concentrate all their manufacturing interests identified with this loan in the said Town of Milton, and shall not remove from the said Town of Milton without the consent of the said party of the second part.

The said party of the second part agrees to submit a By-law to the ratepayers entitled to vote on by-laws for granting aid by way of loans to Manufacturing Industries, for the purpose of obtaining their consent to the said By-law to authorize the guarantee by the said Town of Milton of the Bonds of the Company to be organized for the sum of Twelve thousand dollars ($12,000.00) and interest thereon at five per cent. payable in twenty annual payments of $962.91 each, and upon the necessary assent of the ratepayers in conformity with the provisions of the Municipal Act in respect of By-laws for granting bonuses to Manufacturing Industries, having been obtained to the passing of the said By-law, and upon the execution and delivery to the said party of the second part of a mortgage for Twelve thousand dollars ($12,000.00), to be made by the said party of the first part as hereinbefore provided, will guarantee the bonds of the said party of the first part for the sum of Twelve thousand dollars ($12,000.00) as aforesaid.

The party of the second part shall guarantee the Bonds of the said party of the first part to the extent of Twelve thousand dollars ($12,000.00), the proceeds of which bonds, upon being sold by the said party of the first part, shall be deposited to the credit of the

said

said party of the second part in a Chartered Bank in the Town of Milton, and the party of the second part shall advance to the said party of the first part the sum of Six thousand dollars upon the purchase or erection by the said party of the first part of the factory buildings, there being no liens, charges or encumbrances against the said buildings and premises, and shall advance the remaining six thousand when machinery and plant are installed in the said buildings and the said factory is in operation as a going concern, there being no liens or encumbrances against the said lands and buildings, machinery or plant, and satisfactory expenditure vouchers on said buildings and premises, machinery and plant having been produced by the party of the first part, if required by the said party of the second part.

The said party of the second part further agrees to grant the said party of the first part exemption from taxes and rates except those for school purposes, on the said buildings and premises, for the period of ten years.

The said party of the second part further agrees to grant to the said party of the first part during said period the use of the Town water through a one-inch pipe for factory purposes whenever the supply in the Town reservoir is within a foot of the overflow.

And it is further agreed by and between the parties hereto that if the said party of the second part should submit such By-law, and if the said By-law should not receive a vote sufficient to carry a bonus by-law, as provided by the provisions of the Municipal Act, then this Agreement shall be null and void and of no effect, and the parties thereto shall be released from all liability or obligation thereunder.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal, and the Corporation of the Town of Milton by the hands of the Mayor and Clerk and the Corporate Seal.

SIGNED, SEALED AND DELIVERED
in the presence of
"R. WHITE."

"J. W. WILLIAMS," (L.S.)
"A. HIGGINBOTHAM," Mayor, (L.S.)
"G. A. HEMSTREET," Clerk. (L.S.)

(Seal.)
TOWN OF MILTON.

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SCHEDULE "B."

BY-LAW NO. 441.

A By-Law to authorize the Corporation of the Town of Milton to guarantee the Bonds of Williams & Son, Limited, of Milton, to the extent of Twelve Thousand Dollars and Interest thereon at the rate of Five per cent. per annum.

Whereas Williams & Son, Limited, of Milton, of the One Part, and the Municipal Corporation of the Town of Milton, of the Other Part, have entered into an Agreement, that in consideration of the guarantee by the said Town of Milton of the Bonds of Williams & Son, Limited, of Milton, for the sum of Twelve Thousand dollars, and interest thereon at the rate of five per cent. per annum, payable in twenty annual payments of $962.91 each, payable yearly in twenty years from the issue thereof, the said Williams & Son, Limited, of Milton, will purchase a factory site and factory buildings or will

purchase

purchase a site and erect thereon substantial buildings in the Town of Milton and instal therein the necessary machinery and plant required in the manufacture of boots and shoes, the total equipment, including land and buildings and said machinery and plant, to be of not less value than Fifteen thousand dollars, and to employ in said business not less than forty employees on the average for each working day of each year during the term of twenty years from the First day of August, A.D. 1811, and to pay in wages a sum averaging not less than $400.00 per week during the said term, unless prevented by fire, strike or other unavoidable cause, and to execute and deliver to the Corporation of the Town of Milton a first Mortgage for the sum of Twelve thousand dollars, upon the said lands and premises, plant and machinery as a guarantee of good faith and for the faithful performance of the covenants in the Agreement binding upon them, the said Mortgage to be made in pursuance of the Act respecting Short Forms of Conveyances, and the said premises to be insured to the extent of at least two-thirds of the cash value of the buildings, plant and machinery. The said Corporation shall guarantee the bonds of the said Williams & Son, Limited, of Milton, to the extent of Twelve thousand dollars, the proceeds of which bonds, upon being sold, shall be deposited to the credit of the said Corporation in a Chartered Bank in the Town of Milton, and the said Corporation shall advance to the said Company a sum of Six thousand dollars, upon the purchase or erection by the said Company of the factory buildings, there being no liens, charges or encumbrances against the said buildings and premises, and the said Corporation shall advance the remaining Six thousand dollars when the machinery and plant are installed in the said buildings and the said factory is in operation as a going concern, there being no liens, charges or encumbrances against the said lands and buildings, machinery or plant, and satisfactory expenditure vouchers on said buildings and premises, machinery and plant having been produced by the said Company if required by the said Corporation.

And whereas it is expedient to pass this By-law and submit the same to the electors of the said Municipality, to authorize the said Municipal Corporation to guarantee the Bonds of the said Williams & Son, Limited, of Milton, to the extent of Twelve thousand dollars, and interest thereon at the rate of five per cent. per annum, for the purpose of aiding the said Company in establishing their factory and business in the said Town as set forth in the said Agreement hereinbefore referred to.

And whereas the total amount of the debt or engagement which this By-law is intended to create or authorize is the amount of the guarantee by the Municipal Corporation of the Town of Milton of the payment by the said Williams & Son, Limited, of Milton, of the said Bonds, to the extent of Twelve thousand dollars, and interest thereon at the rate of five per cent. per annum, payable yearly in twenty years from the issue thereof.

And whereas the annual sum of $962.91 will be required to pay off the said Bonds, and interest, in every year for twenty years, in case of the failure of the said Company to pay the said bonds, as they respectively become due and payable.

And whereas the amount of the whole rateable property of the said Municipality according to the last revised Assessment amounts to $504,996.

And whereas the existing Debenture debt of the said Municipality is $54,982.85, and no principal or interest is in arrears:

Therefore the Municipal Corporation of the Town of Milton enacts as follows:

1. That the Bonds of Williams & Son, Limited, of Milton, to the amount of Twelve thousand dollars, and interest thereon at the rate of five per cent. per annum, payable in yearly instalments in twenty years from the issue thereof, be and the same are hereby guaranteed by the Town of Milton.

2. That the said Bonds shall bear date on the day on which this By-law takes effect, and shall be in sums of not less than One hundred dollars each, and shall be payable yearly in the manner and for the yearly amounts following, that is to say:

| | Principal. | Interest | Total. |
|---|---|---|---|
| 1912 ..... | $362 91 | $600 00 | $962 91 |
| 1913 ..... | 381 06 | 581 85 | 962 91 |
| 1914 ..... | 400 11 | 562 80 | 962 91 |
| 1915 ..... | 420 12 | 542 79 | 962 91 |
| 1916 ..... | 441 12 | 521 79 | 962 91 |
| 1917 ..... | 463 17 | 499 74 | 962 91 |
| 1918 ..... | 486 33 | 476 58 | 962 91 |
| 1919 ..... | 510 64 | 452 27 | 962 91 |
| 1920 ..... | 536 19 | 426 72 | 962 91 |
| 1921 ..... | 562 99 | 399 92 | 962 91 |
| 1922 ..... | 591 15 | 371 76 | 962 91 |
| 1923 ..... | 620 70 | 342 21 | 962 91 |
| 1924 ..... | 651 64 | 311 27 | 962 91 |
| 1925 ..... | 684 33 | 278 58 | 962 91 |
| 1926 ..... | 718 54 | 244 37 | 962 91 |
| 1927 ..... | 754 47 | 208 44 | 962 91 |
| 1928 ..... | 792 18 | 170 73 | 962 91 |
| 1929 ..... | 831 81 | 131 10 | 962 91 |
| 1930 ..... | 873 39 | 89 52 | 962 91 |
| 1931 ..... | 917 05 | 45 86 | 962 91 |

3. That the guarantee aforesaid to be given and hereby authorized to be given by the said Municipality shall be endorsed on each of the said Bonds, the aggregate amount of which shall not exceed Twelve thousand dollars, and interest thereon at the rate of five per cent. per annum, and such Guarantee shall be in the words following or to a like effect:

The Corporation of the Town of Milton, in the County of Halton, hereby guarantees the payment of the within Bond at maturity. This guarantee is given to and for the benefit of the purchasers of this Bond, and of every person, or persons, Company or Companies, body or bodies corporate, who may at any time hereafter be the holder of this Bond. This guarantee is given in pursuance of By-law No. 441 of the Town of Milton.

.....
Mayor of the Town of Milton.

(Seal.)

4. The Mayor of the said Town of Milton is hereby authorized and empowered to sign the said Guarantee so endorsed on behalf of the said Municipal Corporation, and the Clerk of the said Town is hereby authorized and instructed to attach the seal of the said Corporation thereto. But such Guarantee shall not be executed till all the terms of the Agreement hereinbefore mentioned have been fulfilled, or until the said Company shall make, execute and deliver to the said Corporation a first Mortgage upon the lands, buildings, machinery and plant to the said Corporation as security for such indemnity to the Corporation against the payment of the said Bonds and for the carrying out of the terms of the said Agreement.

5. In case of the failure of the said Company to pay the said Bonds as they respectively become due and payable, and in case the Corporation of the Town of Milton is called upon to pay same, then, and in such case, there shall be raised and levied in each year by a special rate sufficient therefor on all the rateable property in the said Municipality, the sum of $962.91 as hereinbefore set forth

forth, being a sum suffcient to discharge the several instalments of principal and interest of the said Bonds as the same respectively become payable.

6. This By-law shall take effect on the First day of June, A.D. 1911.

7. The votes of the Electors of the said Municipality shall be taken on this By-law at the following times and places, that is to say: On Monday, the Tenth day of April, next, 1911, at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day. The places for taking the votes of the Electors and the names of the Deputy Returning Officers shall be as follows: Polling Subdivision North Ward, at the Town Hall, by Frank Pearen, Deputy Returning Officer; Polling Subdivision South Ward, at Court House, by Chas. Jones, Deputy Returning Officer; Polling Subdivision East Ward, at Creamery Office, by J. W. Crozier, Deputy Returning Officer.

8. On Saturday, the Eighth day of April, 1911, the Mayor shall attend at the Council Chamber at two o'clock in the afternoon to appoint persons to attend at the various polling places, and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this By-law.

9. The Clerk of the said Municipality shall attend at the Council Chamber in the Town of Milton at two o'clock in the afternoon of Wednesday, the Twelfth day of April, 1911, and shall sum up the number of votes for and against the said By-law.

10. The lands used for factory site and the buildings and premises of the said Williams & Son, Limited, of Milton, shall be exempt from taxation for the term of ten years from the First day of August, 1911, and on all rates assessable by the Corporation of the Town of Milton, except school taxes.

11. The Corporation of the Town of Milton shall grant to the said Williams & Son, Limited, of Milton, for the term of ten years from the first day of August, 1911, the use of the Town water through a one-inch pipe, for factory purposes, whenever the water supply in the Town Reservoir is within a foot of the overflow pipe.

Dated at the Town of Milton, this 15th day of March, A.D. 1911.

"A. HIGGINBOTHAM,"
Mayor.
"G. A. HEMSTREET,"
Clerk.

CHAPTER

## CHAPTER 109.

### An Act to confirm By-law No. 317 of the Town of North Bay

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Town of North Bay has by petition represented that By-law Number 317 of the said Corporation, set out as Schedule "A" hereto, providing for the construction of a further system of Storm Sewers within the limits of the said Town, and providing also for the construction of a Trunk Sewer to be constructed in the said Town, was finally passed on the 5th day of June, 1911, after the same had been submitted to and approved of by the qualified electors in accordance with the provisions of *The Consolidated Municipal Act, 1903;* that *The Public Health Act* as amended by section 3 of the Act passed in the 1st year of His Majesty's reign, chaptered 67, provides that "No By-law shall be passed for the raising of money for the purpose mentioned in subsections 1 and 2 until the proposed water supply or sewerage system, as the case may be, has been approved of by the Provincial Board of Health, and such approval has been certified in writing and signed by the Chairman and Secretary of the Board. The preamble of the By-law shall recite such approval"; that doubts have arisen as to whether the said By-law providing for extensions only of the present Sewerage system comes within the wording of the above amendment, and that the validity of the said By-law has been questioned on the ground of non-compliance with the above amendment; that by reason of such doubts the Corporation has been unable to sell the Debentures authorized to be issued by the said By-law; and whereas the said Corporation has by its said petition prayed that an Act may be passed legalizing and confirming the said By-law and the special rates thereby imposed and all debentures issued or to be issued thereunder; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 317 of Town of North Bay confirmed.

**1.** By-law 317 of the Corporation of the Town of North Bay, set out as Schedule "A" hereto, is confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof. The special rate imposed by the said By-law for the payment of the debt authorized by the said By-law and the interest thereon is also confirmed and declared to be valid and binding upon the lands referred to in the said By-law.

Debentures confirmed.

**2.** All debentures issued or to be issued or purporting to be issued under the said By-law Number 317 are confirmed and declared to be valid and binding upon the Corporation of the Town of North Bay, and it shall not be necessary for the purchasers of such debentures to enquire into the validity of the proceedings relating to the issue of the same.

SCHEDULE "A."

BY-LAW No. 317.

Being a By-law to provide for raising the sum of $45,000.00 by way of loan upon security of debentures of the Town of North Bay, in the District of Nipissing, and for expending the said moneys in constructing storm sewers in the said Town, and also for building and constructing a trunk sewer in the limits of the said Town.

Whereas in the opinion of the Municipal Council of the Corporation of the Town of North Bay, in the District of Nipissing, it is necessary that a further system of storm sewers should be installed and constructed within the limits of the said Town in addition to the storm sewers which are at present in existence, and also that a trunk sewer be constructed in the said Town;

And whereas, for the purpose of constructing the said storm sewers and building and constructing the said trunk sewer, it is necessary to borrow the sum of Forty-five thousand dollars ($45,000.00) on the credit of the said Corporation, and to issue debentures for the said sum of Forty-five thousand dollars ($45,000.00), which is the amount of the debt intended to be created by this By-law, and the proceeds to be applied for the purposes aforesaid, and no other;

And whereas for the repayment of the said sum of Forty-five thousand dollars ($45,000.00) it is proposed to issue debentures of the said Town of North Bay, payable with interest at the rate of five per cent. per annum in thirty annual instalments, such that the aggregate amount payable for principal and interest in any one of the said thirty years shall be equal, as nearly as may be, to what is payable for principal and interest in each one of the other years of such period, and none of the said debentures shall be for less than One hundred dollars;

And whereas the total amount required to be raised annually for principal and interest by special rate during the said period of thirty years for payment of the said debentures and interest is the sum of $2,927.32;

And whereas the amount of the whole rateable property of the said Municipality, according to the last revised assessment roll, being for the year 1910, is $3,065,862.00;

And

And whereas the amount of the existing debenture debt of the said Municipality is $274,547.09, of which no portion of the said principal and interest is in arrears;

Be it enacted, and it is therefore hereby enacted by the Municipal Council of the said Town of North Bay, pursuant to the provisions of the statutes in that behalf, as follows:

1. That a system of storm sewers be constructed within the limits of the Municipality of the Town of North Bay, in the District of Nipissing, in addition to the system at present in existence in the said Municipality, and that a trunk sewer be constructed in the said Town, as herein set forth.

2. That the said system of storm sewers to be built under the conditions of this By-law be constructed along the following streets and through the private property hereinafter referred to (the consent to such construction having been obtained under seal), and the said trunk sewer in the said Town be constructed on the portions of the said streets within the limits of the said Town hereinafter described, and that the piping to be used in connection with the said system be of the following sizes, namely:

3. 10 in. Pipe Sewer.

On Cassells Street, from McIntyre Street to First Avenue.
On Cassells Street, from Second Avenue to Seventh Avenue.
On Main Street, from Harvey Street to Foren Street.
On Fraser Street, from Second Avenue to Sixth Avenue.
On McIntyre Street, from Ferguson Street to Wyld Street.
On McIntyre Street, from Bye Street to Foren Street.
On McIntyre Street, from Harvey Street to Durrill Street.

20 in. Pipe Sewer.

On O'Brien Street, from High Street to Cassells Street.

24 in. Pipe Sewers.

On Seventh Avenue, from Cassells Street to Fraser Street.
On Sixth Avenue, from Fraser Street to Ferguson Street.
On Klock Avenue, from Foren Street to Commercial Street.
On Fraser Street, from Seventh Avenue to Sixth Avenue.
On Foren Street, from C.P.R. culvert to Klock Avenue.

30 in. Pipe Sewers.

On Ferguson Street, From Sixth Avenue to Fifth Avenue.
On Wyld Street, from Fifth Avenue to Second Avenue.
On Fifth Avenue, from Ferguson Street to Wyld Street.

36 in. Pipe Sewers.

Through private property from corner of Second Avenue and Wyld Street to corner of Fisher Street and Second Avenue; thence along Second Avenue to Chippewa Creek.

24 in. Main Trunk Sewer.

On Tenth Street and Main Street, from Septic tank to Murray Street, and on Regina Street, from Septic tank to Main Street.

24 in. Main Trunk Sewer.

On Main Street, from Murray Street to Foren Street.

3. That the Mayor of the said Town of North Bay is hereby authorized to borrow, on the credit of the said Corporation, the sum of Forty-five thousand dollars ($45,000.00), being the amount necessary

necessary for constructing said storm sewers and building and constructing said trunk sewer in the said Town, and the proceeds thereof shall be used and expended in payment for the said storm sewers, and building and constructing said trunk sewer only; and to secure the repayment of the said sum, debentures of the said Corporation may be issued in the amounts, and payable on the days and times and in the manner hereinbefore specified, and the said debentures shall bear interest at the rate of five per cent. per annum, payable yearly with the said debentures.

4. That the debentures shall be signed by the Mayor and Treasurer of the said Municipality, and sealed with the corporate seal, and the said debentures shall be payable at the Traders Bank of Canada, in the Town of North Bay, on the First day of October in each year thereafter.

5. That the debenture payable in the first year shall become due and payable on the first day of October, 1912, and in subsequent years on the First day of October in each and every year after the First day of October, 1912, and the debentures due each year shall be for the amount of principal set out in Schedule "A" to this By-law, and all interest shall be payable yearly.

6. That for the purpose of paying the said debentures and interest on the same during the currency thereof, the sum of $2,927.32 shall be annually raised and levied in the same manner and at the same time as the taxes of the said Municipality are levied, by a special rate over and above all other rates upon the whole rateable property of the said Town of North Bay in each year for the period of thirty years, the first of such assessments to be made during the year 1912.

7. That this By-law shall take effect immediately after the passing thereof.

8. That the vote of the electors of the said Town of North Bay shall be taken on this By-law on the 29th day of May, 1911, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the said date, at the following polling places, and by the following Deputy Returning Officers:

(1) Court House; E. C. Rheaume, Deputy Returning Officer.
(2) J. E. Farrell's shop; N. Phelps, Deputy Returning Officer.
(3) Town Hall; G. H. Newton, Deputy Returning Officer.
(4) Orange Hall; A. G. Davie, Deputy Returning Officer.
(5) Orange Hall; S. L. Brown, Deputy Returning Officer.
(6) W. H. Partridge's House; John Murphy, Deputy Returning Officer.
(7) Aime Cusson's House; C. E. Hammond, Deputy Returning Officer.

9. That the 27th day of May, 1911, at the hour of ten o'clock in the forenoon, at the Council Chamber, in the Town Hall, in the said Town of North Bay, shall be the time and the place when, and at which, persons will be appointed by the Mayor to attend at the said polling places, and at the final summing up of the votes by the Clerk of the Municipality, on behalf of the persons interested in promoting or opposing the passing of this By-law respectively, and the Mayor shall attend at the said time and place to make such appointments.

10. That the Clerk of the said Municipality shall, on the 30th day of May, 1911, at the hour of ten o'clock in the forenoon, at the said Council Chamber, in the said Town Hall, sum up the number of votes given for and against this By-law.

Read a first and second time this 24th day of April, 1911, and a third time short and passed on the 5th day of June, 1911.

G. A. M'GOUGHEY,
*Mayor.*

M. W. FLANNERY,
*Clerk.*

This

This is Schedule "A" referred to in the annexed By-law Number 317, for the Town of North Bay, in the District of Nipissing.

| No. | Due. | Principal. | Interest. | Total Annual Am't. |
|---|---|---|---|---|
| 1. | 1912..... | $677 33 | $2,249 99 | $2,927 32 |
| 2. | 1913..... | 711 20 | 2,216 12 | 2,927 32 |
| 3. | 1914..... | 746 75 | 2,180 55 | 2,927 32 |
| 4. | 1915..... | 784 09 | 2,143 23 | 2,927 32 |
| 5. | 1916..... | 823 29 | 2,104 03 | 2,927 32 |
| 6. | 1917..... | 864 45 | 2,062 87 | 2,927 32 |
| 7. | 1918..... | 907 67 | 2,019 65 | 2,927 32 |
| 8. | 1919..... | 953 05 | 1,974 27 | 2,927 32 |
| 9. | 1920..... | 1,000 70 | 1,926 62 | 2,927 32 |
| 10. | 1921..... | 1,050 74 | 1,876 58 | 2,927 32 |
| 11. | 1922..... | 1,103 28 | 1,824 04 | 2,927 32 |
| 12. | 1923..... | 1,158 44 | 1,768 88 | 2,927 32 |
| 13. | 1924..... | 1,216 36 | 1,710 96 | 2,927 32 |
| 14. | 1925..... | 1,277 18 | 1,650 14 | 2,927 32 |
| 15. | 1926..... | 1,341 04 | 1,585 28 | 2,927 32 |
| 16. | 1927..... | 1,408 09 | 1,519 23 | 2,927 32 |
| 17. | 1928..... | 1,478 49 | 1,448 83 | 2,927 32 |
| 18. | 1929..... | 1,552 41 | 1,374 91 | 2,927 32 |
| 19. | 1930..... | 1,630 03 | 1,297 29 | 2,927 32 |
| 20. | 1931..... | 1,711 53 | 1,215 79 | 2,927 32 |
| 21. | 1932..... | 1,797 11 | 1,130 21 | 2,927 32 |
| 22. | 1933..... | 1,886 96 | 1,040 36 | 2,927 32 |
| 23. | 1934..... | 1,981 31 | 946 01 | 2,927 32 |
| 24. | 1935..... | 2,080 38 | 846 94 | 2,927 32 |
| 25. | 1936..... | 2,184 40 | 742 92 | 2,927 32 |
| 26. | 1937..... | 2,293 62 | 633 70 | 2,927 32 |
| 27. | 1938..... | 2,408 30 | 519 02 | 2,927 32 |
| 28. | 1939..... | 2,528 72 | 398 60 | 2,927 32 |
| 29. | 1940..... | 2,655 16 | 272 16 | 2,927 32 |
| 30. | 1941..... | 2,787 92 | 139 40 | 2,927 32 |

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## CHAPTER 110.

### An Act respecting the Town of North Toronto.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Town of North Toronto has by petition represented that it is desirable and in the interest of the said Town that an Act passed in the Ninth year of the reign of His late Majesty King Edward VII., Chapter 114, should be amended by authorizing the Council of the said Town to extend its waterworks system and lay all new watermains as local improvements under the provisions of *The Local Improvement Sections of the Municipal Act;* and whereas the said Corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

9 Edw. VII. c. 114, s. 1 (5a) repealed.

**1.** Subsection 5*a* of Section 1 of Chapter 114 of the Acts passed in the ninth year of the reign of His late Majesty King Edward VII., is hereby repealed (except as to watermains already commenced) and the following substituted therefor:—

Power to lay watermains under 1 Geo. V. c. 58

5*a*. It shall and may be lawful for the said Corporation of the said Town to lay new watermains under the provisions of *The Local Improvement Sections of The Municipal Act,* and to levy the whole cost of the construction of said local improvements (except the cost of such improvements opposite flankages and street intersections) by a frontage tax on the properties benefited pursuant to the provisions of *The Local Improvement Sections of The Municipal Act.*

CHAPTER

# CHAPTER 111.

## An Act respecting the Town of Oakville.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Oakville has by petition represented that By-law No. 417 of the said Town, a By-law respecting assessments for sanitary sewers, set out in Schedule "A" hereto, was duly adopted and passed by the Municipal Council of the said Corporation to provide for assessing and levying upon property benefited by the construction of certain sanitary sewers a uniform rate of 81.45 cents per foot frontage; and whereas doubts have arisen as to the legality of the said By-law No. 417; and whereas the said Corporation by its petition has prayed that an Act may be passed validating and confirming the said By-law No. 417 and permitting the said Corporation to assess and levy in accordance with said By-law No. 417; and whereas it is expedient to grant the prayer of the said petition; and whereas the said Corporation has by petition further represented that By-law No. 399 of the said Town, a By-law respecting certain local improvements and special assessments therefor, was duly adopted and passed by the Municipal Council of the said Corporation to provide for assessing and levying the cost of certain improved sidewalks upon the consent of all the owners representing the whole value of the real property to be benefited by such improved sidewalks; and whereas doubts have arisen as to the legality of the said By-law No. 399; and whereas the said corporation by its petition has prayed that an Act may be passed validating and confirming said By-law No. 399 and permitting the said Corporation to assess and levy in accordance with the said By-law No. 399; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 417 confirmed.

**1.** By-law No. 417 of the said Corporation of the Town of Oakville, set out in Schedule "A" hereto, is hereby validated and confirmed.

Power to assess and levy under By-law No. 417.

**2.** The said Corporation is hereby declared to have power to assess and levy in accordance with said By-law No. 417 for sanitary sewers constructed in said Town as local improvements; and any and all By-laws that may hereafter be passed by the said Corporation for the issue of debentures for raising sums assessable and leviable under the said By-law No. 417 shall be binding upon the said Corporation and the ratepayers thereof.

Method of assessment under By-law 417 not exclusive.

**3.** Nothing in this Act shall be construed to confine the said Corporation in levying and assessing the cost of sewers hereafter to be constructed in the said Town, to the method set forth in said By-law No. 417, or to prevent the said Corporation from constructing such sewers or assessing and levying therefor, in accordance with any other method authorized by law.

Application of surplus moneys.

**4.** In case the amount assessed and levied in respect of any particular portion of sewer, or in respect of the work constructed during any one year shall exceed the cost of construction, the surplus, together with any other moneys held by the said Corporation for sewer purposes, may be employed by the said Corporation in meeting any deficiency which may arise by reason of the cost of other portions of sewer, or the work constructed in any other year exceeding the amount assessed and levied in respect thereof, or may be otherwise employed in defraying the cost of construction of extensions, improvements, alterations or repairs of sewers in respect of which no frontage rate is assessable or leviable under said By-law No. 417, or of septic tanks, pumping appliances, or other appliances in connection with such sewers, or in meeting any deficieny that may arise in selling debentures for raising amounts assessable and leviable under said By-law No. 417.

By-law No. 399 confirmed.

**5.** (1) By-law No. 399 of said Corporation, set out in Schedule "B" hereto, is hereby validated and confirmed.

(2) Paragraph 9 of the said By-law No. 399 is amended by striking out the word "pavement" wherever it occurs and inserting the word "sidewalk."

Powers to assess and levy under By-law No. 399.

**6.** The said Corporation is hereby declared to have power to assess and levy in accordance with said By-law No. 399 for any and all improved sidewalks which have been constructed or may hereafter be constructed in accordance with the provisions of said By-law No. 399 and any and all By-laws that may hereafter be passed by the said Corporation

for

for the issue of debentures for raising amounts assessable and leviable under said By-law No. 399, shall be binding upon said Corporation and the ratepayers thereof.

Method of assessment under By-law No. 399 not exclusive.

**7.** Nothing in this Act shall be construed to confine the said Corporation in levying and assessing the cost of improved sidewalks hereafter to be constructed in the said Town, to the method set forth in said By-law No. 399, or to prevent the said Corporation from constructing such improved sidewalks or assessing and levying therefor, in accordance with any other method authorized by law.

Application of 1 Geo. V. s. 58.

**8.** The provisions of *The Local Improvement Sections of the Municipal Act* shall apply except in so far as they are inconsistent with the provisions of the said By-laws or of this Act.

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SCHEDULE "A."

By-law No. 417.

A By-law Respecting Assessments for Sanitary Sewers.

The Municipal Corporation of the Town of Oakville enacts as follows:—

Interpretation.

1. In this By-law the terms "clerk," "constructing," "construction," "engineer," "lot," "owner" and "street" shall, so far as the context allows, be construed in accordance with the interpretation section of the Local Improvement Sections of the *Municipal Act*.

2. The term "corner lot" shall be deemed to mean a lot at the intersection of streets without reference to lots as originally laid out.

3. For purposes of assessment a lot shall be deemed to front upon a sewer if there is in any street upon which such lot abuts any portion of such sewer opposite to any portion of such lot, whether directly or diagonally across a street corner.

Frontage Assessment.

4. Every lot fronting upon a sanitary sewer constructed as a local improvement shall be specially assessed at a uniform rate of 81.45 cents for each foot of the frontage of such lot, the said amount, unless commuted, to be payable in thirty successive equal annual instalments of five cents each per foot of frontage, being an amount sufficient to discharge the said sum of 81.45 cents with interest at the rate of 4½ per cent. per annum.

Corner and Irregularly Shaped Lots.

5. In assessing corner lots a flankage exemption of one-half the total frontage shall be made, the total exemption, however, not to exceed fifty feet.

6. In assessing lots of triangular or other irregular shape or lots so situated as to be unfit for building purposes, such exemption may be made as the engineer may deem just and equitable, having regard to the situation, value and superficial area of such lots as compared with adjacent lots.

SPECIAL ASSESSMENT ROLL.

7. Upon the completion of any sanitary sewer constructed as a local improvement, or any portion thereof, the engineer shall prepare a special assessment roll in which shall be entered:

(*a*) A description, sufficient for purposes of assessment, of every lot to be specially assessed in respect of such sewer.

(*b*) The name of the owner of such lot.

(*c*) The number of feet frontage for which such lot is to be assessed.

(*d*) The rate per foot frontage at which such lot is to be assessed.

(*e*) The number of instalments by which the special assessment is to be payable.

(*f*) The rate per foot per year for which such lot is to be assessed.

(*g*) The total rate per year for which such lot is to be assessed in respect of such sewer;

(*h*) The total amount for which such lot is to be assessed in respect of such sewer.

ASSESSMENT OF LOTS NOT FRONTING ON SEWER.

8. Every lot which, though not fronting upon a sanitary sewer, is connected with such sewer by a private sewer connection shall likewise be assessed in respect of such sewer, and the frontage for which such lot is assessed shall in such cases be such as the engineer may deem just and equitable.

ASSESSMENT OF PROPERTY SUBSEQUENTLY CONNECTED WITH SEWER.

9. Where subsequently to the construction of any portion of sewer and the assessment of the cost thereof it is desired to connect with such sewer any property not fronting upon it, such property may be connected with such sewer upon application being duly made as in the case of other sewer connections, but before such connection is made the owner of such property shall sign an agreement consenting to an assessment of such property in accordance with this By-law for such amount of frontage as the engineer may deem just and equitable. Such agreement shall be in the form set out in Schedule "A."

ASSESSMENT FOR PRIVATE SEWER CONNECTIONS.

10. Where concurrently with, or subsequently to, the construction of a sanitary sewer, private sewer connections are constructed from such sanitary sewer to the street line of the lots fronting on such sanitary sewer, the cost of such private sewer connections shall be assessed against the lots for the benefit of which such private sewer connections are constructed.

11. The special assessment in respect of each of such private sewer connections shall be based on the cost of construction from the centre of the street to the street line whether or not the sewer is laid in the centre of the street.

12. Upon the completion of such private sewer connections the engineer shall prepare a special assessment roll showing:

(*a*) A description, sufficient for purposes of assessment, of every lot to be specially assessed in respect of any private sewer connection.

(*b*) The name of the owner of such lot.

(*c*) The amount to be assessed against such lot in respect of the cost of such private sewer connection.

(*d*) The number of annual instalments in which such cost is to be paid.

(*e*) The amount of each of such annual instalments.

COMBINING SPECIAL ASSESSMENT ROLLS.

13. Instead of making separate special assessment rolls for different portions of sewer or for private sewer connections, the engineer may prepare a combined report in respect of the whole of the work constructed or completed in any one year.

COMPLETION OF SPECIAL ASSESSMENTS.

14. The special assessment rolls shall, when duly reviewed and completed in accordance with the Local Improvement Sections of *The Municipal Act*, be numbered, and filed in the office of the clerk, and the assessments thereunder shall each year during the currency of such special assessment be duly entered on the collector's roll and collected with the other taxes of the Corporation.

15. The total amount assessed against each lot as described in the special assessment roll, and the total yearly rate therefore shall be deemed to be assessed upon the whole of the land comprised within said lot, and unless such assessment is commuted or is apportioned as hereinafter provided, the said rate in respect of such lot shall be levied upon the whole of such lot.

COMMUTATION OF ASSESSMENTS.

16. The owner of any lot assessed in respect of a sanitary sewer may commute such assessment by paying, in lieu of the yearly rate, the total amount of such assessment or such sum as will, if invested at three per cent. compound interest, be sufficient to discharge such assessment.

17. Where it is desired to commute an assessment as aforesaid the clerk shall give to the owner a warrant, in duplicate, in the form set out in Schedule "B" to this By-law, to the treasurer to accept the proper amount; and upon due payment of such amount the treasurer shall endorse the receipt on such warrant, and one copy of such receipted warrant shall be filed with the special assessment roll and the clerk shall make the proper entries on the said roll.

APPORTIONMENT OF ASSESSMENT.

18. Where subsequently to the assessment of any lot in respect of any portion of sewer, the land comprised within such lot is divided by the registration of a plan or by conveyance or otherwise, the assessment against such lot may by agreement set out in Schedule "C" to this By-law or other agreement or deed poll to a like effect, be apportioned as between divisions of such lot.

19. Every such agreement in respect of such assessment shall be in triplicate, and one copy shall be filed with the special assess-

ment

ment roll, and the clerk shall make the proper entries upon the said roll.

20. In default of such apportionment by the owner or owners as aforesaid, the engineer or assessor may by special report apportion such special assessment in proportion to the respective areas of the divisions of such lot or in proportion to the respective frontages of such divisions.

21. Such special report shall be subject to review as provided in the case of special assessment rolls.

EXEMPTION FROM FURTHER ASSESSMENT.

22. Property assessed as aforesaid in respect of a sanitary sewer on any street shall be exempt from any other assessments for sanitary sewers on the same street.

Read a third time and finally passed on the eighteenth day of December, 1911, in open meeting of the Council duly called, seven members of the Council being present and seven members voting in favour of the By-law.

GEORGE HILLMER,
*Mayor.*

CHARLES A. BRADBURY,
*Clerk.*

---

*Schedule "A."*

The undersigned, being the owner of lot

and having made application for a private sewer connection between said lot and the sanitary sewer on street, hereby agrees with the Corporation of the Town of Oakville that in consideration of the construction of the said private sewer connection the said land shall be assessed by the said Corporation under By-law No. for a frontage of feet at the rate of per foot for a period of years, and covenants for himself, his heirs, executors, administrators and assigns to pay any and all amounts duly levied under such assessment.

Dated at the Town of Oakville, the day of 191 .

Signed, sealed and delivered
in the presence of

(Seal.)

---

*Schedule "B."*

To the Treasurer of the Town of Oakville:

Please receive from Mr. the sum of dollars, being the proper amount for commuting the special assessment on lot

imposed under Special Assessment Roll No. for sanitary sewer on Street.

Dated the day of 19 .

*Clerk.*

Received

Received from Mr. the above-named sum of dollars.

Dated the day of 19 .

*Treasurer.*

---

*Schedule "C."*

Memorandum of agreement made the day of

Between—

of the Town of Oakville, in the County of Halton,

Of the First Part

—and—

of the said Town,

Of the Second Part.

Whereas, the said party of the first part was the owner of certain lands described on Special Assessment Roll Number as

;

And whereas, the party of the first part has sold and conveyed (or as the case may be) to the party of the second part, a portion of the said lot described as follows:

Now, therefore, this memorandum witnesseth that it is agreed by and between the parties hereto that the special assessment in respect of said lot under the said special assessment roll shall be apportioned as between the respective divisions and the owners thereof in the following proportions:

| Owner. | Portion of Lot. | No. of Feet Frontage. or Area. | Annual Assessment. |
|---|---|---|---|

And that the said respective owners shall be liable for the said proportions of said assessment and that the said respective divisions shall be subject to be assessed and levied upon for the said respective proportions of said assessment.

In witness whereof, the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered
in the presence of

SCHEDULE

SCHEDULE "B."

By-law No. 399.

A By-Law respecting Certain Local Improvements and Special Assessments therefor.

Whereas it is deemed expedient and desirable in the public interest to regulate the procedure to be adopted in the construction of certain improved sidewalks as local improvements as provided in *The Consolidated Municipal Act, 1903*, and to provide the means of ascertaining and determining what real property will be immediately benefited by any such work or improvement, and the proportion in which the assessment of the cost thereof is to be made upon the various portions of real property benefited thereby;

Therefore the Municipal Council of the Corporation of the Town of Oakville enacts as follows:—

1. This By-law shall be known as Local Improvement By-law Number 2.

2. Upon the receipt of a petition praying for any such improved sidewalk under this By-law, the Town Clerk shall forthwith examine it along with the last revised Assessment Roll and ascertain and finally determine whether the petition is signed by all the owners representing the whole value of the real property to be benefited by the proposed improved sidewalk. The clerk shall then endorse on the petition his certificate as to whether the same is or is not sufficiently signed as hereinbefore provided and shall lay the same before the Council at its next meeting.

3. If such petition shall have been sufficiently signed and properly certified to as hereinbefore provided, the Council may direct the town engineer or other competent person, or persons, to examine into the subject matter of the petition and report to the Council as to the advisability of undertaking the proposed work or improvement with an estimate of the probable cost thereof.

4. If it is to be decided to do the work by contract, then after the contract has been awarded and the contract agreement duly executed, the Town engineer or such other person or persons as the Council shall appoint to superintend the work, shall authorize the work of improvement to be proceeded with and carried out to completion.

5. For the purpose of enabling the Council to avoid the necessity of making supplementary assessments or of refunding in case of over-assessment, and for the purpose of ascertaining the exact cost of any such work or improvement, the Council may make agreements with any bank, or with any person or body corporate, for temporary advances and loans for meeting the cost of any such work or improvement until completion thereof, and may then make the special assessment for the cost thereof after the work or improvement has been completed and may then pass the necessary By-law authorizing the issue of debentures to repay the amount of the temporary loans or advances and interest thereon.

6. After the completion of any such work or improvement, and after the entire cost thereof, including compensation (if any) shall have been ascertained, the Town engineer, or such person or persons as shall have been appointed to oversee and superintend the work, shall certify the total amount to the Town Treasurer.

7. The Town Treasurer shall forthwith after the receipt of the certificate mentioned in the preceding section ascertain the amount chargeable for interest on the temporary loans or advances made and the estimated interest which will accrue thereon until the necessary assessment shall have been made, the necessary By-law passed,

and

and the debentures to be issued thereunder disposed of, and the moneys received by which to retire such temporary loans or advances and interest thereon. The Town Treasurer shall thereupon certify the same to the Town engineer or other person or persons appointed to superintend the work.

8. Upon receiving the certificate of the Town Treasurer mentioned in section seven (7) the Town engineer, or such other person or persons appointed to superintend the work shall report to the Council:

I. What real property will be benefited by the work of improvement.

II. The probable lifetime of the work or improvement.

III. The entire cost of the work or improvement, including interest as aforesaid, engineering expenses (if any), the cost of advertising and the expense of the issue of the debentures and the share thereof which should be assessed against the property to be immediately benefited.

IV. The proportion in which the assessment of the cost of the work or improvement is to be made on the various portions of the real property benefited thereby, and showing by measurement the frontages liable for such assessment, the frontages exempt from taxation therefor, and the value (per foot frontage) of the land only, exclusive of improvements thereon, to be exempt from any portion of the general rate or assessments for the like purpose.

9. No portion whatever of the cost of constructing such pavement shall be paid by the Corporation of the Town of Oakville, but the entire cost of such pavement, including the cost of all street crossings shall be chargeable against the property benefited by the construction of such pavement.

10. As soon as the report of the Town engineer or other person or persons appointed to superintend the work or improvement has been adopted by the Council, the Town Clerk shall forthwith cause a written or printed or partly written and partly printed notice of the Sitting of the Court of Revision for the confirmation of every special assessment to be given to the owners and lessees having the right to petition, or to the agents of such owners and lessees of the property assessable for such work or improvement. Such notice shall contain a general description of the property in respect of which the same is given, and the nature of the work or improvement, the total cost thereof, the amount of the assessment on the particular piece of property, the time and manner in which the same is payable and the value (per foot of frontage) of the land only, exclusive of improvements, to be exempted from any part of any general rate or assessment for the like purpose, and such notice shall be mailed to every person entitled to receive the notice at least fifteen days before the day appointed for the Sitting of the Court of Revision. Ten days' notice of the time and place of meeting of the said Court shall also be given by an advertisement in one newspaper published in the Town of Oakville, specifying generally what such assessment is for and the total amount to be assessed.

11. The Court of Revision shall sit at the time and place mentioned in the said notice to be given as aforesaid and shall hear and determine all appeals which may be brought before it pursuant to the provisions of the Statutes in that behalf.

12. In the event of any property owner desiring to appeal from the decision of the said Court of Revision to the Judge of the County Court and giving notice of his intention so to do within the time and in the manner provided by the Statutes in that behalf, it shall be the duty of the Town Clerk to procure an appointment from the Judge of the County Court for the hearing and disposal of such an appeal.

13. In the event of the notice of appeal from the Court of Revision being given within the time limited in that behalf, or as soon as any such appeal shall have been disposed of by the Judge of the County Court, it shall be the duty of the Town Clerk to return to the Council the report of the Town engineer or other person or persons appointed to superintend the work or improvement as adopted by Council with any alterations or amendments which shall have been made therein by the said Court of Revision or the Judge of the County Court, and the Council shall thereupon have the By-law prepared for levying the necessary assessments and providing for the issue and sale of debentures to provide the amount of money required to retire the temporary loan or loans with interest thereon as aforesaid.

Passed by the Municipal Corporation of the Town of Oakville, this 14th day of September, A.D. 1910.

GEORGE HILLMER,
*Mayor.*

CHAS. A. BRADBURY,
*Town Clerk.*

# CHAPTER 112.

## An Act respecting the Township of Oliver.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the Township of Oliver has by petition represented that it is desirable and in the interest of the ratepayers of said Township and the public generally that all assessment rolls, tax sales and deeds made, held and given prior to 31st December, 1910, should be confirmed. That it is further desirable and in the interest of said Municipal Corporation and the ratepayers thereof that By-law Number 133, of the said Municipal Corporation set out as Schedule "1" hereto intituled "By-law to authorize the making of an agreement with the Kaministiquia Power Company, Limited, as to annual taxes and a supply of power," and the agreement between the Kaministiquia Power Company, Limited, and the said Municipal Corporation referred to in the said By-law as Schedule "A" thereto should be validated and confirmed; that the said By-law was on the 1st day of January, 1912, submitted to the qualified ratepayers of the said Township, of whom eighty-five (85) voted in favour of and twenty-five (25) against the said by-law; and whereas the said Municipal Corporation has prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Tax sales and deeds confirmed.

**1**.—(1) All sales of land in the said Township of Oliver made prior to the 31st day of December, 1910, which purported to be made by the said Municipal Corporation or the Treasurer thereof for arrears of taxes in respect of lands so sold, are hereby validated and confirmed, and all deeds of land so sold, executed by the Reeve and Treasurer of the said Municipal Corporation purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed and shall have the effect of

vesting

vesting the lands so sold and conveyed, or purported to be so sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his or their heirs and assigns in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns, and of all charges and incumbrances thereof, except taxes accrued since those for non-payment whereof the said lands were so sold.

Pending litigation not affected.

(2) Nothing in this section contained shall affect any action, litigation or other proceeding now pending or in which judgment has been pronounced, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

By-law No. 133 confirmed.

**2.**—(1) Subject to subsection 2, By-law Number 133 of the said Township set out in Schedule "1" hereto, and intituled "By-law to authorize the making of an agreement with the Kaministiquia Power Company, Limited, as to annual taxes and a supply of power," and the agreement between the said Municipal Corporation and the Kaministiquia Power Company, Limited, therein referred to as Schedule "A" thereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

Taxes for school purposes limited.

(2) Taxes for school purposes shall be paid in full out of the $1,200 to be paid annually by the Company for taxes, and if in any year the taxes for school purposes on the value of the property of the Company, if it were assessable, would exceed $1,200, the Company shall pay the excess.

Township of Oliver authorized to borrow $8,250 for improving roads.

**3.** The Council of the Municipality of the Township of Oliver, may, without obtaining the assent of its electors thereto, borrow on the credit of the said Municipality a sum not exceeding $8,250 for the purpose of improving the roads in the said Municipality pursuant to a good roads movement undertaken by the Corporation of the City of Fort William and the Municipalities of Oliver, Neebing, Paipoonge and O'Connor, and the said council may issue Debentures of the said Corporation therefor, payable within twenty years from the date of issue thereof and bearing interest at such rate as the Council deems meet.

SCHEDULE 1.

By-law No. 133.

*Municipality of the Township of Oliver.*

By-law to authorize the making of an agreement with the Kaministiquia Power Company, Limited, as to annual taxes and a supply of power.

Whereas considerable expense has been caused to the Municipality by disputes and differences with the Kaministiquia Power Company, Limited, as to the assessable value of its property and undertaking in the said Township, and the said Company has signified its willingness to supply power to the Municipality and to other consumers of power located in the said Township on terms satisfactory to the Municipality, and to pay an annual sum of twelve hundred dollars for a term of five (5) years, commencing from the 1st day of January, 1912, in lieu and in full satisfaction of any and all taxes levied or to be levied by the Municipality during the said term upon the property and undertaking of the Company.

And whereas this By-law has received the assent of the requisite proportion of the ratepayers entitled to vote thereon at the Municipal elections, held in the said Township, on the 1st day of January, 1912.

Therefore the Council of the Municipality of the Township of Oliver, in consideration of the premises, enacts as follows:

1. That the Reeve and Clerk are hereby authorized on behalf of the Municipality to execute the agreement between the Corporation of the Township of Oliver and the Kaministiquia Power Company, Limited, dated the first day of December, 1911, annexed as Schedule A hereto, and to affix thereto the corporate seal of the Municipality.

2. That this By-law shall come into force upon the passing of an Act of the Legislature of the Province of Ontario legalizing and confirming the same.

3. That the votes of such of the electors of the said Township of Oliver as are entitled to vote thereon shall be taken on this By-law on Monday, the 1st day of January, 1912, commencing at nine o'clock in the forenoon, and continuing until five o'clock in the afternoon, at the polling place and by the returning officer hereinafter mentioned, that is to say:

At the Town Hall at Murillo, in said Township, by Charles R. B. Hill, as returning officer.

4. That on the 30th day of December, 1911, at the Council Chamber in the Town Hall at Murillo, in the said Township, at ten o'clock in the forenoon, the Reeve shall, in a writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law, respectively.

5. That the 2nd day of January, 1912, at the Council Chamber aforesaid, at twelve o'clock noon, is hereby appointed for the summing up by the Clerk of this Corporation of the number of votes given for and against this By-law respectively.

Done

Done and passed in Council this 8th day of January, 1912, as witnessed by the hands of its proper officers and the seal of the said Corporation.

(Seal.)

(Sgd.) THOS. HUGHES, Reeve.

(Sgd.) CHAS. R. B. HILL, Clerk.

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SCHEDULE A.

Agreement made (in duplicate) the 1st day of December, 1911. Between:

The Corporation of the Township of Oliver, hereinafter called "The Municipality," of the first part; and

The Kaministiquia Power Company, Limited, hereinafter called "The Company," of the second part.

Whereas for a number of years past disputes and differences have arisen between the parties hereto as to the assessable value of the company's property in the Township of Oliver aforesaid, and it is desired to put an end to such disputes and differences.

And whereas the Company is developing the water power of the Kaministiquia River at and near Kakabeka Falls and Ecarte Rapids, largely within the said Township of Oliver, and has agreed to supply power within the said Township on the terms hereinafter set forth.

Now therefore this Agreement witnesseth that in consideration of the premises and the mutual agreements and covenants hereinafter contained, the said parties hereto do hereby mutually agree and covenant each with the other of them as follows, namely:

1. The Municipality shall and will, during the term of five (5) years commencing from the 1st day of January, 1912, and thereafter next ensuing, accept from the Company the sum of twelve hundred dollars per annum, in lieu and in full settlement and satisfaction of any and all taxes, rates, charges and assessment (including statute labor or commutation thereof), which are or may, or but for the making of this Agreement might be, charged or levied or assessed for any purpose whatsoever upon the Company's property, assets, business, income and undertaking within the said Township of Oliver, including the Company's transmission line along the south boundary of said Township, and during the said term no other sum shall be payable by or collected from the said Company by way of taxes in the said Township.

2. The said sum shall be payable at the same time as the ordinary Municipal taxes in the said Township, and payment thereof may be enforced in the same manner and by the same means as other Municipal taxes in the said Township.

3. The said sum shall annually be divided and apportioned in the same manner as the remaining taxes collected annually by the Municipality.

4. The Company shall, during the said term, supply and deliver to the Municipality, or to other consumers of power located within the said Township, electrical power or energy up to the full capacity of the Company's plant, and not otherwise used or contracted for, at the rate of Twenty-five dollars per horse-power per year, and for the purpose thereof shall, at its own expense, build, equip and maintain all requisite transmission lines and transformer plants and equipment, subject to the conditions hereinafter mentioned:

(*a*) The Company shall have the right to construct and maintain all requisite transmission lines along the highways, roads, streets and public places of the Municipality free of charge.

(*b*) For all power supplied as aforesaid the Company shall be paid monthly, on the 15th day of the month next succeeding that in which such power is supplied.

(*c*) The Company shall not be required, under this Agreement, to furnish power as aforesaid unless the prospective net annual revenue derivable from the service, after payment of all operating expenses and fixed charges appertaining to the same, shall be equal to ten per centum on the outlay involved in making the requisite extensions of transmission lines, transformer plants and other plant and equipment, and unless the proposed contracts for the supply of such power shall be of reasonable duration, and the customers shall, when required, furnish the Company with satisfactory security to guarantee the faithful performance of the contract by the customers.

5. The Company will deliver power at any point on its main transmission line along the south boundary of the Township of Oliver, either to the Municipality or to other customers, free from the conditions of Clause (*c*), where no extensions of the Company's plant or transmission lines are required, or where such extensions are built and maintained by the customer in accordance with the Company's standards.

6. The Municipality shall also be entitled to the full benefit of the same reductions in the price to be charged per horse-power for power supplied as aforesaid as the Corporation of the City of Fort William is entitled to under the Company's present contract or agreement with it, whenever the quantity of power supplied to the Municipality hereunder shall exceed the quantity stipulated in the said contract or agreement with the City of Fort William, so as to entitle that city to the reductions referred to.

7. The Municipality shall, at the next session of the Legislature of the Province of Ontario, make application for a special Act legalizing and confirming this Agreement; and this Agreement shall take effect only from and after the passing of such an Act.

In witness whereof the said parties hereto have caused to be hereunto affixed their corporate seals under the hands of their proper officers.

Signed, sealed and delivered in the presence of

THE CORPORATION OF THE TOWNSHIP OF OLIVER.

(Sgd.) THOS. HUGHES, Reeve.
(Sgd.) CHAS. R. B. HILL, Clerk.

(Seal.)

THE KAMINISTIQUIA POWER CO., LIMITED.

(Sgd.) H. S. HOLT, President.
(Sgd.) J. S. NORRIS, Asst.-Secretary and Treas.

(Seal.)

CHAPTER

# CHAPTER 113.

## An Act respecting the Town of Orillia.

*Assented to 16th April, 1912.*

Preamble

WHEREAS the Municipal Corporation of the Town of Orillia has by petition represented that By-law No. 522 of the said Corporation set out as Schedule "A" hereto was duly submitted to the qualified ratepayers of the said Town on the 17th day of July, A.D. 1911, as required by *The Consolidated Municipal Act, 1903,* and a majority of qualified ratepayers voted in favor of the by-law, and that on the 27th day of July, 1911, the said by-law was given its third reading and finally passed by the Council of the said Town; and whereas the amount of the rateable property of the Corporation according to the last revised assessment roll is $2,964,980, and the existing debenture debt of the said Corporation, including local improvement, is $537,372.87, and no part of the principal or interest thereof is in arrears; and whereas it is desirable that the said by-law should be confirmed; and whereas the said Corporation has by petition further represented that a certain by-law intituled "A by-law for the purpose of granting a fixed assessment to the firm of Ayers & Hewitt doing business in the Town of Orillia," and a certain by-law intituled "A by-law for the purpose of granting a fixed assessment and other privileges to the National Hardware Company doing business in the Town of Orillia," were submitted to the electors on the first day of January, A.D. 1912, when out of 1,672 persons entitled to vote, 735 voted for and 70 against the first mentioned by-law, and 741 voted for and 71 against the last mentioned by-law; and whereas a large number of electors qualified to vote on the by-laws are non-resident and a large number of resident electors qualified to vote on the by-laws were temporarily absent from the town on the date of the poll; and whereas it is in the interest of the said Corporation that the said by-laws should be confirmed; and whereas the said Corporation owns an electric power plant at Ragged Rapids on the Severn River and in the Town of Orillia, and has by its petition represented that it is necessary for the successful carrying on of the said

power

power plant that it should be authorized to make further expenditure for repairs, renewals or extensions to the said electrical power plant as may be required from time to time with the assent of the qualified electors, and to purchase electrical energy from other producers and to construct power transmission line or lines to transmit the same, and to construct and operate further or other hydro-electric plant or plants to increase the electrical power at its disposal; and whereas the said Corporation by its petition has represented that it would be in the interests of the said Corporation that the Municipal Council be authorized to create a contingent fund by setting aside from year to year any sum out of the net annual profits of the Orillia power plant not to exceed fifty percentum of the said annual profits and not to exceed $5,000 in any one year, to provide for repairs, renewals or extensions for the said Orillia power plant, and to provide that the Council may from time to time for the said purposes draw upon the said contingent fund with the consent of "The Ontario Railway and Municipal Board"; and whereas the said Corporation desires to enter into an agreement with the Crown represented by the Department of Militia for Canada and the East Simcoe Agricultural Society, whereby the said Corporation purchases certain lands of the said East Simcoe Agricultural Society in the Town of Orillia and conveys a certain portion of the said lands to the Crown represented by the said Department, for the purposes of the erection of an armoury building and sets apart the balance of the said lands for park and athletic purposes; and whereas the said Corporation has petitioned that it be authorized to enter into the said agreement and to accept and make the necessary conveyances and to charge or authorize the charging of an admission fee to the balance of the said lands upon such occasions as to the Council may seem proper; and whereas the Municipal Council of the Township of Orillia, Northern and Southern Divisions, by by-law Number 876 set out as Schedule "D" hereto granted permission to the said Town to construct and maintain an auxiliary pole line in connection with the said power plant of the said Town along and over the highways of the said Township and it is desirable that this by-law be ratified and confirmed; and whereas it is desirable to annex to the said Town of Orillia certain portions of Lots Numbers Ten, Eleven and Twelve in the Fourth concession of the Township of Orillia, Northern Division; and whereas no opposition has been offered to the said petition; and whereas the said Corporation has prayed that an act be passed for the above purposes; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 522 of Town of Orillia confirmed.

**1.** By-law Number 522 of the Corporation of the Town of Orillia set out as Schedule "A" hereto is confirmed and declared to be legal and valid and binding on the said Corporation and on the ratepayers thereof, and the said Corporation may impose the rates provided for in the said by-law; and the said Corporation is declared to be and to have been since the final passing of the said by-law, authorized and empowered to do all necessary and proper acts for the full and effectual carrying out of the objects of the said by-law, and the debentures issued or to be issued thereunder are declared to be legal, valid and binding on the said Corporation and on the ratepayers thereof.

Authority to pass Ayers & Hewitt and National Hardware Co. By-law.

**2.** The Council of the said Corporation may finally pass a certain by-law intituled "A by-law for the purpose of granting a fixed assessment to the firm of Ayers & Hewitt doing business in the Town of Orillia," and set out as Schedule "B" hereto, and also a certain other by-law intituled "A By-law for the purpose of granting a fixed assessment and other privileges to the National Hardware Company doing business in the Town of Orillia," set out as Schedule "C" hereto, and such by-laws when finally passed shall be legal, valid and binding on the said Corporation and on the ratepayers thereof and on any other persons affected thereby.

Further expenditure on electric power plant authorized.

**3.** The said Corporation may make extensions to the electrical power plant of the Town of Orillia as may be required from time to time.

Authority to purchase electrical energy, etc.

**4.** The said Corporation may purchase electrical energy from other producers and construct a power transmission line or lines to transmit the same, and may construct and operate further or other hydro-electrical plant or plants to increase the electrical energy at the disposal of the said Corporation.

Issue of debentures.

**5.** The said Corporation may, with the assent of the ratepayers qualified to vote on money by-laws, pass by-laws from time to time to borrow money by the issue of debentures payable within 30 years from the date of issue for the purpose of paying the cost of any works authorized by sections 3 and 4.

Authority to create a contingent fund for certain purposes.

**6.**—(1) The Council of the said Corporation may create a contingent fund by setting aside from year to year as the said Council may decide, any sum out of the net profits of the

the Orillia Power Plant not to exceed fifty per centum of the said annual profits and not to exceed five thousand dollars in any one year, to provide for renewals, repairs or extensions to the Orillia Power Plant.

Withdrawal from contingent fund.

(2) The said Council may from time to time with the approval of the Ontario Railway and Municipal Board withdraw such amount from the said contingent fund as may be required for the said purposes.

Power to purchase certain lands from East Simcoe Agricultural Society.

**7.**—(1) The said Corporation may purchase from The East Simcoe Agricultural Society the following lands in the said Town of Orillia, namely, Lots three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen in Block "G," that part of James street lying to the south of Brant street and east of Patrick street, and lot sixteen on the west side of West street, all in the Town of Orillia, according to registered plan No. 137, and pay the purchase price thirty-five hundred dollars therefor.

Power to convey certain lands to Militia Department.

(2) The said Corporation may convey or cause to be conveyed certain portions of the said lands to the Crown as represented by the Militia Department for Canada.

Power to charge admission fee.

(3) The said Corporation may retain the balance of the said lands for park, athletic, agricultural or show purposes or purposes of a similar nature and charge or authorize the charging of a fee for admission to the same or may rent the same.

Agreement with Crown.

(4) The said Corporation may grant such use of its balance of the said lands to the Crown for militia purposes and pay such share of the maintenance or running expenses of the Crown's portion of the said lands as may be fixed by agreement or agreements between the Corporation and the Crown.

By-law No. 876 of Township of Orillia confirmed.

**8.** By-law Number 876 of the Municipal Corporation of the Township of Orillia, Northern and Southern Divisions, set out as Schedule "D" hereto, is confirmed and declared to be legal, valid and binding.

Annexing certain lands.

**9.**—(1) The East halves of Lots Ten, Eleven and Twelve in the Fourth Concession of the said Township of Orillia, Southern Division, are hereby annexed to and shall be and form part of the Town of Orillia.

Assessment.

(2) Subject to the provisions of subsection 3, the lands annexed by subsection 1 shall for a period of five years

from

from the first day of January A.D. 1912 be assessed for the same amounts for which they were assessed on the assessment roll of the said Township for 1911.

Improvements.

(3) All buildings erected on or improvements made to the said lands after the final revisions of the assessment roll of the said Township for 1911 or during the said period of five years shall be assessed as other buildings and improvements in the said Town are assessed under the provisions of *The Assessment Act.*

Tax rate.

(4) The tax rate shall be the same from year to year as the tax rate in the remainder of the Town of Orillia during the said period of five years.

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SCHEDULE "A."

BY-LAW No. 522.

*For the purpose of raising by way of debentures the sum of eighty thousand dollars for the construction of a connecting pole line with the Simcoe Power Company's plant at the Big Chute on the Severn River, and extending, improving and increasing the power capacity of the Orillia Town plant at the Ragged Rapids and Orillia Town.*

Whereas it is necessary to increase the amount of power capacity of the Orillia and Ragged Rapids Electrical Plant, and it will require the sum of $80,000 to carry out the work as shown on the Engineer's estimates.

And whereas it will be requisite to raise the several sums in each year respectively set forth in the Schedule in this By-law, amounting to the sum of $4,911.32 annually, over and above all other rates and assessments.

And whereas the amount of the whole rateable property of the said Corporation, according to the last revised assessment roll (being that for the year 1910) amounts to the sum of $2,119,624.

And whereas the amount of the existing debenture debt of the said Corporation is $550,691.62, and no principal or interest is in arrears.

Therefore the Municipal Council of the Town of Orillia, by its Council, enacts as follows:—

1. That it shall be lawful for the Corporation of the said Town of Orillia, for the purposes aforesaid, to borrow the said sum of eighty thousand dollars and to issue debentures of the said Municipality to the amount of eighty thousand dollars in sums of not less than one hundred dollars each, payable in the manner for the amounts and at the times respectively set forth in the Schedule to this By-law.

2. That the said debentures shall have attached to them coupons for the payment of interest at the rate of four and one-half per cent. per annum, which coupons shall be signed by the Mayor and Treasurer and shall be payable half-yearly during the continuance of said debentures.

3. That the said debentures, as to principal and interest, shall be payable at the Traders Bank, in the Town of Orillia, Ontario.

4. That it shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and instructed to sign and issue the said debentures and to cause the same and the interest coupons thereto attached to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

5. There shall be raised and levied in each year, for thirty years, by special rate on all rateable property in the said Municipality, the sum of $4,911.32, being a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same became respectively payable, according to the following schedule:—

| No. | Year when Payable. | Amount of Principal. | Interest when Payable. | Interest Amount. | Total Levy |
|---|---|---|---|---|---|
| 1 | 1912 | $1,311.32 | Jan. 24, 1912 | $1,800.00 | |
| | | | July 24, 1912 | 1,800.00 | $4,911.32 |
| 2 | 1913 | 1,370.33 | Jan. 24, 1913 | 1,770.49 | |
| | | | July 24, 1913 | 1,770.50 | 4,911.32 |
| 3 | 1914 | 1,432.00 | Jan. 24, 1914 | 1,739.66 | |
| | | | July 24, 1914 | 1,739.67 | 4,911.33 |
| 4 | 1915 | 1,496.44 | Jan. 24, 1915 | 1,707.44 | |
| | | | July, 24, 1915 | 1,707.45 | 4,911.33 |
| 5 | 1916 | 1,563.78 | Jan. 24, 1916 | 1,673.77 | |
| | | | July 24, 1916 | 1,673.78 | 4,911.33 |
| 6 | 1917 | 1,634.15 | Jan. 24, 1917 | 1,638.59 | |
| | | | July 24, 1917 | 1,638.59 | 4,911.33 |
| 7 | 1918 | 1,707.68 | Jan. 24, 1918 | 1,601.82 | |
| | | | July 24, 1918 | 1,601.82 | 4,911.32 |
| 8 | 1919 | 1,784.53 | Jan. 24, 1919 | 1,563.39 | |
| | | | July 24, 1919 | 1,563.40 | 4,911.32 |
| 9 | 1920 | 1,864.83 | Jan. 24, 1920 | 1,523.24 | |
| | | | July 24, 1920 | 1,523.25 | 4,911.32 |
| 10 | 1921 | 1,948.75 | Jan. 24, 1921 | 1,481.28 | |
| | | | July 24, 1921 | 1,481.29 | 4,911.32 |
| 11 | 1922 | 2,036.45 | Jan. 24, 1922 | 1,437.44 | |
| | | | July 24, 1922 | 1,437.44 | 4,911.33 |
| 12 | 1923 | 2,128.08 | Jan. 24, 1923 | 1,391.62 | |
| | | | July 24, 1923 | 1,391.62 | 4,911.32 |
| 13 | 1924 | 2,223.85 | Jan. 24, 1924 | 1,343.74 | |
| | | | July 24, 1924 | 1,343.74 | 4,911.33 |
| 14 | 1925 | 2,323.92 | Jan. 24, 1925 | 1,293.70 | |
| | | | July 24, 1925 | 1,293.70 | 4,911.32 |
| 15 | 1926 | 2,428.50 | Jan. 24, 1926 | 1,241.41 | |
| | | | July 24, 1926 | 1,241.42 | 4,911.33 |
| 16 | 1927 | 2,537.78 | Jan. 24, 1927 | 1,186.77 | |
| | | | July 24, 1927 | 1,186.77 | 4,911.32 |
| 17 | 1928 | 2,651.98 | Jan. 24, 1928 | 1,129.67 | |
| | | | July 24, 1928 | 1,129.67 | 4,911.32 |
| 18 | 1929 | 2,771.32 | Jan. 24, 1929 | 1,070.00 | |
| | | | July 24, 1929 | 1,070.00 | 4,911.32 |
| 19 | 1930 | 2,896.03 | Jan. 24, 1930 | 1,007.64 | |
| | | | July 24, 1930 | 1,007.65 | 4,911.32 |
| 20 | 1931 | 3,026.35 | Jan. 24, 1931 | 942.48 | |
| | | | July 24, 1931 | 942.49 | 4,911.32 |
| 21 | 1932 | 3,162.54 | Jan. 24, 1932 | 874.39 | |
| | | | July 24, 1932 | 874.40 | 4,911.33 |
| 22 | 1933 | 3,304.85 | Jan. 24, 1933 | 803.23 | |
| | | | July 24, 1933 | 803.24 | 4,911.32 |
| 23 | 1934 | 3,453.57 | Jan. 24, 1934 | 728.87 | |
| | | | July 24, 1934 | 728.88 | 4,911.32 |

Year

| No. | Year when Payable. | Amount of Principal. | Interest when Payable. | Interest Amount. | Total. Levy. |
|---|---|---|---|---|---|
| 24 | 1935 | 3,608.98 | Jan. 24, 1935 | 651.17 | |
| | | | July 24, 1935 | 651.17 | 4,911.32 |
| 25 | 1936 | 3,771.38 | Jan. 24, 1936 | 569.97 | |
| | | | July 24, 1936 | 569.97 | 4,911.32 |
| 26 | 1937 | 3,941.10 | Jan. 24, 1937 | 485.11 | |
| | | | July 24, 1937 | 485.12 | 4,911.33 |
| 27 | 1938 | 4,118.45 | Jan. 24, 1938 | 396.44 | |
| | | | July 24, 1938 | 396.44 | 4,911.33 |
| 28 | 1939 | 4,303.78 | Jan. 24, 1939 | 303.77 | |
| | | | July 24, 1939 | 303.78 | 4,911.33 |
| 29 | 1940 | 4,497.45 | Jan. 24, 1940 | 206.93 | |
| | | | July 24, 1940 | 206.94 | 4,911.32 |
| | | | Jan. 24, 1941 | 105.74 | |
| | | | July 24, 1941 | 105.75 | 4,911.32 |

6. This By-law shall take effect on the 17th day of July, A.D. 1911.

7. The votes of the ratepayers of the said Municipality shall be taken on this By-law at the following time and places, that is to say on Monday, the seventeenth day of July, A.D. 1911, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the undermentioned places:

1. For the First Polling Subdivision, at A. H. Bowen's, on Mississaga Street.

2. For the Second Polling Subdivision, at John Ralston's, on Mississaga Street.

3. For the Third Polling Subdivision, at the Fire Hall, on Peter Street.

4. For the Fourth Polling Subdivision, at John Kerr's, on Mississaga Street.

5. For the Fifth Polling Subdivision, at the Council Chambers, on West Street.

6. For the Sixth Polling Subdivision, at John Hern's Store, on Mississaga Street.

7. For the Seventh Polling Subdivision, at Andrew Clark's House, Mary Street.

8. That the following persons shall be Deputy Returning Officers and Poll Clerks for taking such votes:—

At Polling Subdivision No. 1.—Charles Hatley, Deputy Returning Officer; and Colin Henderson, Poll Clerk.

At Polling Subdivision No. 2.—Angus McKay, Deputy Returning Officer; and Dan Coffey, Poll Clerk.

At Polling Subdivision No. 3.—Fred A. Webber, Deputy Returning Officer; and B. A. S. Webber, Poll Clerk.

At Polling Subdivision No. 4.—John Reardon, Deputy Returning Officer; and Robert S. T. Smith, Poll Clerk.

At Polling Subdivision No. 5.—Charles Morrison, Deputy Returning Officer; and William Teskey, Poll Clerk.

At Polling Subdivision No. 6.—W. T. Y. Lee, Deputy Returning Officer; and J. A. Fairhurst, Poll Clerk.

At Polling Subdivision No. 7.—Charles Powley, Deputy Returning Officer; and William Richardson, Poll Clerk.

9. That on the 15th day of July, A.D. 1911, at the Council Chambers, in the Town of Orillia, at the hour of ten o'clock in the forenoon, the Mayor shall appoint in writing, signed by himself, two persons to attend at the final summing up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of opposing the passing of this By-law.

10. That the Clerk of the said Municipal Council of the Town of Orillia shall attend at the Council Chambers at the hour of eleven o'clock in the forenoon of the eighteenth day of July, A.D. 1911, to sum up the number of votes given for and against this By-law.

Dated at the Council Chambers, in the Town of Orillia, this 27th day of July, A.D. 1911.

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration and will be finally passed by the Council of the Town of Orillia, in the event of the assent of the electors being obtained thereto, after one month of the first publication in the *News Letter*, the date of which publication was Wednesday, June 21st, 1911, and that the votes of the electors of the said Municipality will be taken thereon on the day and the hours and places therein fixed.

C. E. GRANT,
*Clerk, Town of Orillia.*

*Estimate of Costs for Addition to Power Plant.*

| | |
|---|---|
| Transmission line, Big Chute to Ragged Rapids | $15,000 |
| Transmission line, Ragged Rapids to Orillia | 23,000 |
| Transformer equipment and recording meter, etc., at Big Chute | 5,000 |
| Transformer equipment (step down) in Orillia Substation | 4,000 |
| Alterations, fireproofing, etc., to Substation Building | 2,500 |
| Switching and controlling apparatus, switchboard, meters, etc. | 5,000 |
| Lightning protection apparatus | 900 |
| Equipment necessary for service at Ragged Rapids | 350 |
| Reconstruction of distributing system and improvement in voltage, distribution in Orillia, appropriation, including smelter line | 5,000 |
| Motor and equipment for operating sluice valves in dam | 750 |
| Air compressor, etc., for cleaning generators | 500 |
| Payment of cost of 8 transformers purchased in 1910 | 8,000 |
| Clearing, rock excavation and foundation work for new power house at Ragged Rapids | 10,000 |
| Total | $80,000 |

SCHEDULE

SCHEDULE "B."

By-Law No.

For the purpose of granting a fixed assessment to the firm of Ayers & Hewitt, doing business in the Town of Orillia.

Whereas the firm of Ayers & Hewitt are established and doing business as manufacturers in the Town of Orillia.

And whereas the said Ayers and Hewitt have agreed to employ an average of at least thirty-five hands in their factory and to build on the corner of West and Colborne Streets a factory to carry on said business of Clothing Manufacturing.

Now, therefore the Corporation of the Town of Orillia by the Council enacts:

1. That all the lands and premises, including all buildings, improvements, machinery, fixtures or other assessable, real or personal property connected therewith, or used by the said firm in connection with their business, shall, for a period of ten years, from and including the year 1912, be exempt from all general rates except school taxes, upon so much of their annual assessment as may be in excess of $1,600.00, and that the amount shall include their business assessment.

2. The votes of the electors of the said Town of Orillia will be taken on this By-law by the Deputy Returning Officers hereinafter named, on Monday, the first day of January, one thousand nine hundred and twelve, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

1. For the First Polling Subdivision, at A. H. Bowen's Store, Mississaga Street.

2. For the Second Polling Subdivision, at Mr. P. D. McDonell's Store, corner of Mississaga and Front Streets.

3. For the Third Polling Subdivision, at the Fire Hall, Peter Street.

4. For the Fourth Polling Subdivision, at John Kerr's Butcher Shop, on Mississaga Street.

5. For the Fifth Polling Subdivision, at the Council Chambers, West Street.

6. For the Sixth Polling Subdivision, at John Hern's Store, on Mississaga Street.

7. For the Seventh Polling Subdivision, at Harry Jones' House, on Mississaga Street, Mt. Slaven.

3. That the following persons shall be Deputy Returning Officers and Poll Clerks for taking such votes.

At Polling Subdivision No. 1.—Charles D. Hatley, Deputy Returning Officer; and Joseph Tait, Poll Clerk.

At Polling Subdivision No. 2.—Isaac P. McNabb, Deputy Returning Officer; and H. W. Flint, Poll Clerk.

At Polling Subdivision No. 3.—Fred Webber, Deputy Returning Officer; and Bertram A. S. Webber, Poll Clerk.

At Polling Subdivision No. 4.—John J. Reardon, Deputy Returning Officer; and Alfred Hawkins, Poll Clerk.

At Polling Subdivision No. 5.—Charles Morrison, Deputy Returning Officer; and Wm. Teskey, Poll Clerk.

At Polling Subdivision No. 6.—W. T. Y. Lee, Deputy Returning Officer; and Joseph Gibbons, Poll Clerk.

At Polling Subdivision No. 7.—Charles Powley, Deputy Returning Officer; and John W. Mitchell, Poll Clerk.

4. That on the 29th day of December, 1911, at the office of the Town Clerk, in the Town of Orillia, at the hour of ten o'clock in the forenoon, the Mayor shall appoint, in writing, signed by himself, two persons to attend at the final summing up of the votes by the Clerk, one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

5. That the Clerk of the Municipal Council of the Town of Orillia shall attend in his office, in the Council Chamber, in the Town of Orillia, at the hour of eleven o'clock in the forenoon, on the 2nd day of January, 1912, to sum up the number of votes given for and against this By-law.

This by-law shall come into operation and be of full force and effect immediately after the passing thereof.

Dated at the Council Chamber, in the Town of Orillia, this ..... day of January, A.D. 1912.

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration and will be finally passed by the Council of the Town of Orillia, in the event of the assent of the electors being obtained thereto, after one month of the first publication in the *News Letter*, the date of which publication was Wednesday, December 6th, 1911, and that the votes of the electors of the said Municipality will be taken thereon on the day and the hours and places therein fixed.

C. E. GRANT,
*Clerk, Town of Orillia.*

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SCHEDULE "C."

By-Law No.....

For the purpose of granting a fixed assessment and other privileges to the National Hardware Co., doing business in the Town of Orillia.

Whereas the National Hardware Company are established and doing business in the Town of Orillia.

And whereas the said Company have agreed to spend in new buildings and plant a sum not less than $16,000.00 and to pay out annually not less than $20,000.00 per annum in wages.

Now

Now, therefore, the Corporation of the Town of Orillia, by its Council, enacts:

1. That all the lands and premises, including all buildings, improvements, machinery, fixtures or other assessable, real or personal property connected therewith, and used by the said Company in connection with their business, shall, for a period of ten years, from and including the year 1912, be exempt from all general rates except school taxes, upon so much of their annual assessment as may be in excess of $4,000.00, and that this amount shall include their business assessment.

2. That an 8-inch main shall be laid to Dunlop Street for fire protection purposes.

3. That the said National Hardware Co. shall be charged $15.00 for town water for drinking, lavatory and foundry purposes and boiler for heating only.

4. That the said Company shall be furnished power at the lowest existing standard factory rates, but power to be not less than $16.00 per h.p. per annum for 24 hours service in any event.

5. The votes of the electors of the said Town of Orillia will be taken on this By-law by the Deputy Returning Officers hereinafter named, on Monday, the first day of January, one thousand nine hundred and twelve, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon, at the undermentioned places:

1. For the First Polling Subdivision, at A. H. Bowen's Store, Mississaga Street.

2. For the Second Polling Subdivision, at Mr. P. D. McDonell's Store, corner Mississaga and Front Streets.

3. For the Third Polling Subdivision, at the Fire Hall, Peter Street.

4. For the Fourth Polling Subdivision, at John Kerr's Butcher Shop, on Mississaga Street.

5. For the Fifth Polling Subdivision, at the Council Chambers, West Street.

6. For the Sixth Polling Subdivision, at John Hern's Store, on Mississaga Street.

7. For the Seventh Polling Subdivision, at Harry Jones' House, on Mississaga Street, Mt. Slaven.

6. That the following persons shall be Deputy Returning Officers and Poll Clerks for taking such votes:

At Polling Subdivision No. 1.—Charles D. Hatley, Deputy Returning Officer; and Joseph Tate, Poll Clerk.

At Polling Subdivision No. 2.—Isaac P. McNabb, Deputy Returning Officer; and H. W. Flint, Poll Clerk.

At Polling Subdivision No. 3.—Fred Webber, Deputy Returning Officer; and Bertram A. S. Webber, Poll Clerk.

At Polling Subdivision No. 4.—John J. Reardon, Deputy Returning Officer; and Alfred Hawkins, Poll Clerk.

At Polling Subdivision No. 5.—Charles Morrison, Deputy Returning Officer; and Wm. Teskey, Poll Clerk.

At Polling Subdivision No. 6.—W. T. Y. Lee, Deputy Returning Officer; and Joseph Gibbons, Poll Clerk.

At Polling Subdivision No. 7.—Charles Powley, Deputy Returning Officer; and John W. Mitchell, Poll Clerk.

7. That on the 29th day of December, 1911, at the office of the Town Clerk, in the Town of Orillia, at the hour of ten o'clock in the forenoon, the Mayor shall appoint, in writing, signed by himself, two persons to attend at the final summing up of the votes by the Clerk, one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

8. That the Clerk of the Municipal Council of the Town of Orillia shall attend in his office, in the Council Chamber, in the Town of Orillia, at the hour of eleven o'clock in the forenoon, on the 2nd day of January, 1912, to sum up the number of votes given for and against this By-law.

This by-law shall come into operation and be of full force and effect immediately after the passing thereof.

Dated at the Council Chamber, in the Town of Orillia, this ..... day of January, A.D. 1912.

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration and will be finally passed by the Council of the Town of Orillia, in the event of the assent of the electors being obtained thereto, after one month of the first publication in the *News Letter*, the date of which publication was Wednesday, December 6th, 1911, and that the votes of the electors of the said Municipality will be taken thereon on the day and the hours and places therein fixed.

C. E. GRANT,
*Clerk, Town of Orillia.*

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SCHEDULE "D."

By-law No. 876 of the Township of Orillia (Northern and Southern Divisions), being a by-law to grant permission to the Town of Orillia to erect an auxiliary pole line in connection with the power plant of said Town.

Whereas the Municipal Corporation of the Town of Orillia has at present in operation an electrical power transmission line between the Town of Orillia and the Township of Matchedash, which transmission line runs along certain highways within the limits of the Township of Orillia, and has been erected under and pursuant to the powers and provisions contained in By-laws Numbers 664 and 704 of said Township, and

Whereas the said Town Corporation has at present under construction a second or auxiliary electrical power transmission line from the said Town of Orillia to the said Township of Matchedash, running through the Township of Orillia, and

Whereas

Whereas under the provisions of By-Law No. 704 as sanctioned by the Act of the Legislature of the Province of Ontario, the said Town Corporation was authorized to erect poles, string wires, and do all other necessary work upon any highway or side road in the Township of Orillia for the purpose of transmitting power, electric light, or electric energy from their transmission plant in the Town of Orillia, provided that the consent of the Township of Orillia be obtained by By-law; and

Whereas the said Town Corporation has applied to the Township of Orillia for such consent, which the said Township has agreed to give, subject to the conditions contained in this By-law, and upon condition that the said Town Corporation enter into an agreement with the said Township of Orillia upon the terms hereinafter set forth.

Therefore, the Council of the Corporation of the Township of Orillia enacts as follows:—

1. The Corporation of the Township of Orillia doth hereby consent to the Corporation of the Town of Orillia erecting, constructing and maintaining an electrical power transmission line from the boundaries of the Town of Orillia, along the westerly side of the road allowance, between the fourth and fifth concessions of the Township of Orillia, using the same pole line as that now used for the electrical transmission line heretofore constructed, to a point opposite Lot Number sixteen as shown on registered plan Number 171, being a subdivision of part of Lot Number four in the fifth concession of the Township of Orillia (Southern Division); thence across said road allowance to said lot number sixteen, and to continue the said transmission line from lots numbers five and six according to said plan number 171, along the westerly side of the road allowance between the fifth and six concessions to the road allowance, between lots numbers ten and eleven in the fifth concession, and across said last mentioned road allowance to the easterly side of said road allowance between the fifth and sixth concessions, and continuing along the westerly side of last mentioned road allowance to the Town Line, between the Townships of Orillia and Matchedash.

2. The poles to be used in erection of the said electrical transmission line shall not be more than one hundred and twenty feet apart.

3. The said Town Corporation shall protect any telephone line or lines, either now erected, or which may hereafter be erected upon the highways of the said Township and crossing under the said electrical transmission line, by a suitable guard wire whenever and wherever required so to do by resolution of the Township Council upon receipt by the Town Clerk of the said Town Corporation of notice in writing of such resolution.

4. The said Town Corporation shall enter into an agreement with the said Township Corporation to furnish electric light to residents of the said Township at the same flat rates and on the some terms and conditions as from time to time may be in force as to residents of said Town Corporation, provided, however, that the said Town shall not be obliged to furnish light at metre rates, except at its own option, and shall not be obliged to extend such electric light service to residents in the said Township where the revenue to be obtained from the additional takers is not sufficient to justify the expense necessary to make such extension in accordance with the rules as to extensions laid down from time to time by the Town Corporation as to residents of the Town.

5. Except as herein otherwise provided, the conditions and provisions contained in said By-laws Numbers 664 and 704 of the Township of Orillia shall apply to the electrical power transmis-

sion

sion line to be erected, pursuant to the consent given by this By-Law.

6. The Reeve and Clerk are hereby authorized to execute an agreement such as is provided for in this By-law on behalf of the Township of Orillia, and to attach the Corporate Seal of such Township thereto, which agreement may be in the form of which a draft is hereto annexed, or to the same effect.

7. This By-law shall be null and void, unless an agreement such as that above provided for is entered into by the said Town Corporation with the said Township Corporation on or before the 30th day of December, A.D. 1911, but shall come into force and effect as soon as such agreement is executed by the said Town Corporation.

Passed in Council this 15th day of December, 1911.

A. A. CUNNINGHAM,
*Reeve.*

JNO. C. ROSE,
*Clerk.*

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# CHAPTER 114.

## An Act respecting the City of Ottawa.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it has been shown that under the special circumstances of the case it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow $45,000 for smallpox hospital, etc.

**1**. The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine and payable in thirty (30) years from the date thereof, of a sum not exceeding $45,000, to provide for the cost of the erection and equipment of an hospital in the said City for the reception and treatment of those affected with Smallpox and of providing sewer and water connections therefor.

Power to borrow $12,500 for site for tuberculosis hospital.

**2**. The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine and payable in thirty (30) years from the date thereof, of a sum not exceeding $12,500, to provide for the cost of acquiring land, in the said City, as a site for an hospital, to be erected by private subscription, for the reception and treatment of those suffering from Tuberculosis.

Power to borrow $5,000 for paying debts of Central Canada Exhibition Association.

**3**. The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors

of

of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine, and payable in twenty (20) years from the date thereof, of a sum not exceeding $5,000, to provide for the completion of the payment of the debts of the Central Canada Exhibition Association, outstanding on the 20th day of July, 1908.

Power to borrow $11,000 for grand stand and fire station in Lansdowne Park.

**4.** The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine and payable in thirty (30) years from the date thereof, of a sum not exceeding $11,000, to provide for the completion of the payment of the cost of the construction, on Lansdowne Park, in the said City, of a structure to answer the purposes of a Grand Stand, Fire Station and Sub-police Station.

Power to borrow $30,000 for site for fire station.

**5.** The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine, and payable in twenty (20) years from the date thereof, of a sum not exceeding $30,000, to provide for the cost of the acquisition of land as a site for a new Fire Station, in the said City, and of the erection of the said Station, and of the purchase of Fire Engines and other fire appliances.

Power to borrow $2,400 for mechanical refrigeration for hospitals.

**6.** The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine, and payable in twenty (20) years from the date thereof, of a sum not exceeding $2,400, to provide for the cost of the installation of mechanical refrigeration in the Lady Grey and Isolation Hospitals.

Power to borrow $12,000 for extension of driveway.

**7.** The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine, and payable in forty (40) years from the date thereof, of a sum not exceeding $12,000, to provide for the completion of the payment of the cost of certain land acquired under the authority of section 1 of chapter 121 of the Acts passed in the tenth year of the reign of His late Majesty King Edward VII., for the

extension

extension of the Driveway of the Ottawa Improvement Commission around Nepean Point and Sussex Street to Rideau Hall, in the said City.

Power to borrow $10,000 for land for scavenging system.

**8.** The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine, and payable in ten (10) years from the date thereof, of a sum not exceeding $10,000, to provide for the completion of the payment of the cost of acquiring land for the collection and disposal of ashes, refuse and garbage in connection with the public scavenging system of the said City, and of the erection thereon of the necessary buildings, plant and machinery.

Power to borrow $3,500 for improvements to city hall.

**9.** The said Corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine, and payable in thirty (30) years from the date thereof, of a sum not exceeding $3,500, to provide for the completion of the payment of the cost of certain improvements to the City Hall, in the said City, and of providing a new roof therefor.

Power to borrow $20,000 for public lavatories.

**10.** The said corporation may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine, and payable in twenty (20) years from the date thereof, of a sum not exceeding $20,000, to provide for the cost of the construction of public lavatories in the said City.

Power to borrow $10,000 for putting telegraph wires underground.

**11.** The said Corporation may enter into an agreement with any Telegraph Company, having overhead poles and wires on Sparks Street, in the said City, for the removal of the same, and for the placing of the same underground, and for the payment to any such Company of the cost of such removal and placing underground, and may provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the payment of such cost, by borrowing, upon an issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, a sum not exceeding $10,000.

**12.** Section 3 of Chapter 121 of the Acts passed in the Tenth year of the reign of His late Majesty, King Edward VII., intituled "An Act respecting the City of Ottawa," is repealed and the following is substituted therefor:— 10 Edw. VII. c. 121, s. 3, repealed.

"3. The said Corporation may enter into an Agreement with the Town of Aylmer, in the Province of Quebec, for the construction by the said Town of a Septic Tank in connection with the sewerage system of the said Town, and may contribute towards the cost of such construction a sum not exceeding $6,000.00, and may provide by by-law to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, of the said sum of $6,000.00." Authority to contribute $6,000 to Town of Aylmer toward cost of septic tank.

**13.** The said Corporation may provide by by-law to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in thirty (30) years from the date thereof, of a sum not exceeding $60,000.00 to provide for the cost of the construction of a Machinery Hall on Lansdowne Park, in the said City, in preparation for the holding of the Dominion Exhibition during the present year. Authority to borrow $60,000 toward cost of a Machinery Hall on Lansdowne Park.

**14.** The provisions of the Municipal Act in relation to money by-laws, and the debentures to be issued thereunder, shall, except in so far as the same are varied by this Act, apply to all by-laws to be passed under the preceding sections of this Act and to all debentures to be issued thereunder. Application of provisions of the Municipal Act.

**15.** The Hospital mentioned in Section 2 of this Act shall be managed, maintained and governed in accordance with the provisions of Chapter 117 of the Acts passed in the Ninth year of the reign of His late Majesty, King Edward VII. Management of Hospital.

**16.** The by-laws passed by the Council of the said Corporation during the year 1911, set out in Schedule "A" to this Act, authorizing the construction of works as local improvements, and the borrowing of money for the payment of the cost of the construction of such works, and all debentures Confirmation of certain by-laws.

tures issued or to be issued thereunder, and all assessments made or to be made and all rates levied or to be levied thereunder are validated and confirmed.

Power to spend $15,000 annually for maintenance of public library

**17**. Notwithstanding anything contained in any Act of this Legislature or in any by-law of the said Corporation, the said Corporation may expend annually for the maintenance of the Public Library, in the said City, a sum not exceeding $15,000.

Submission of certain by-law as to Public Library Board.

**18**. Notwithstanding anything contained in Section 1 of Chapter 98 of the Acts passed in the first year of His Majesty's reign, intituled *An Act respecting the City of Ottawa,* the by-law mentioned in the said section for the establishment of a Public Library Board in the said City may be submitted to the electors of the said City in the manner provided by *The Consolidated Municipal Act, 1903,* for the submission of money by-laws, at the time of the holding of the Municipal Elections in the said City for the year 1913.

Submission of question relating to Waterworks Committee.

**19**. The Municipal Council of the said Corporation may submit to the municipal electors of the said City at any municipal election in the said City the following question:—

"Shall the Waterworks Committee be abolished and its duties be transferred to and performed by the Board of Control?"

2 Edw. VII. c. 54, s. 2, repealed.

**20**.—(1) Section 3 of chapter 54 of the Acts passed in the second year of the reign of His late Majesty King Edward VII., intituled *An Act respecting the City of Ottawa,* is repealed, and the following is substituted therefor:—

Board of Control to perform duties of Board of Park Management.

"3. The Board of Control of the City of Ottawa shall, subject to the approval, and according to the directions of the said Council, have the control and management of all parks, squares, avenues, boulevards, streets and other property heretofore under the control and management of the said Board of Parks Management, and of all other parks, squares and other open public places in the said City."

When sub-sec. 1 to take effect.

(2) Subsection 1 shall not take effect until the first day of January, 1913.

**21.** Notwithstanding anything contained in any Act of this Legislature or in any by-law of the said Corporation, the Board of Control of the said City shall be held to have been established under section 276*c* of *The Consolidated Municipal Act,* 1903, as enacted by section 7 of *The Municipal Amendment Act,* 1909, and all the provisions of the said Act and of any amendments thereto, now passed or hereafter to be passed applicable to Boards of Control constituted under the said section, shall apply to the Board of Control of the said City, except that the Council of the said City shall, as heretofore, consist of the said Board of Control and two Aldermen for each ward of the said City. Constitution of Board of Control.

CHAPTER

## SCHEDULE "A"

BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES TO DEFRAY THE RATEPAYERS' SHARE OF COST OF CERTAIN LOCAL IMPROVEMENT WORKS

| No. of By-law | Nature of Work Under By-law | When Passed by Council | Total Cost of Work | Amt. to be Borne by City | Amt. to be Borne by Ratepayers | Period of Payment | Rate of Interest |
|---|---|---|---|---|---|---|---|
| 3278 | Plank sidewalks | 4th December, 1911 | 253 82 | 106 91 | 146 91 | 5 years | 4 per cent. |
| 3279 | do | do | 1,816 17 | 786 66 | 1,029 51 | do | do |
| 3282 | Concrete sidewalks | do | 25,591 32 | 12,528 42 | 13,062 90 | 10 years | do |
| 3283 | do | do | 25,333 74 | 17,102 98 | 18,230 76 | do | do |
| 3286 | Sewers | do | 92,267 08 | 11,597 16 | 80,669 92 | 20 years | do |
| 3287 | Asphalt pavements | do | 23,321 11 | 18,998 26 | 4,322 85 | do | do |
| 3288 | do | do | 58,957 42 | 33,975 94 | 24,981 48 | do | do |
| 3306 | Street opening | 8th January, 1912 | 1,984 38 | 992 19 | 992 19 | do | do |
| | | | | | $143,436 52 | | |

BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES TO DEFRAY THE CITY'S SHARE OF COST OF CERTAIN LOCAL IMPROVEMENT WORKS

| No. of By-law | Nature of Work Under By-law | When Passed by Council | Amt. of Debt Created | Amt. to be Borne by City | Period of Payment | Rate of Interest |
|---|---|---|---|---|---|---|
| 3280 | Plank sidewalks | 4th December, 1911 | 893 57 | 893 57 | 5 years | 4 per cent. |
| 3284 | Concrete sidewalks | do | 29,631 40 | 29,631 40 | 10 " | do |
| 3291 | Asphalt pavements, sewers and street opening | do | 65,563 55 | 65,563 55 | 20 " | do |
| | | | | 96,088 52 | | |

CUMULATIVE BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES CONSOLIDATING THE BROKEN AMOUNTS, BEING THE RATEPAYERS' SHARE, NAMED IN CERTAIN LOCAL IMPROVEMENT BY-LAWS

| No. of By-law | Nature of Work Under By-law | When Passed by Council | Total Cost of Work | Amt. to be Borne by City | Amt. to be Borne by Ratepayers | Period of Payment | Rate of Interest |
|---|---|---|---|---|---|---|---|
| 3281 | Plank sidewalks | 4th December, 1911 | ..... | ..... | 1,176 42 | 5 years | 4 per cent. |
| 3285 | Concrete sidewalks | do | ..... | ..... | 31,293 66 | 10 " | do |
| 3307 | Pavements, sewers and street openings | 8th January, 1912 | ..... | ..... | 110,966 44 | 20 " | do |
| | | | | | 143,436 52 | | |

CHAPTER

## CHAPTER 115.

## An Act respecting the Town of Owen Sound.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the Town of Owen Sound has by petition represented that at the Municipal Elections for the said Town for 1912 By-law No. 1516 "A By-law authorizing levying a frontage rate upon lands in the Town of Owen Sound, fronting or abutting on streets upon which gas mains are or may hereafter be laid" was duly submitted to and approved by the electors of the said municipality and passed by the said Council; that doubts have arisen as to the power of the said Council to pass the said By-law, and that it is desirable that the said By-law should be ratified and confirmed; that it is deemed advisable by the said Council that it should be authorized to expend annually a sum not exceeding $1,500 in diffusing information respecting the advantages of the said Town as a manufacturing, business, educational and residential centre and as a desirable place in which to spend the summer months; that By-law No. 1422 of the said Town, confirmed by the Act passed in the 1st year of His Majesty's reign, Chaptered 99, empowered the said Town to take stock to the amount of $50,000 in a Company to be formed for the construction and operation of a Dry Dock, Ship Repair and Ship Building plant and the carrying on of structural steel works in the said Town; that it is deemed advisable to vary the terms of the agreement contained in said By-law No. 1422 in manner set out in By-law No. 1534 of the said Town, and for that purpose to repeal said By-law No. 1422, and to enact as in said By-law No. 1534 set out; that the said By-law No. 1534 was submitted to the electors of the said Municipality on the 9th day of March, 1912, when out of 2,472 persons entitled to vote, 1,794 voted for the by-law and 85 against the same; that it is desirable that the said by-law should be confirmed and that the said Corporation should be empowered to take and hold stock in a company to be organized for the purpose of building a Dry Dock and other purposes, as set out in the said By-law; that it is deemed advisable that the Council of the said

Corporation

Corporation should be empowered to establish contingency funds in connection with each or any of its public utilities, namely, Electric Light Works, Gas Works and Waterworks, out of the frontage rates or consumers' rates, or both, collected in respect of such utilities, for the purpose of making such extensions, renewals or improvements as may from time to time be deemed necessary; and whereas the said Corporation has prayed that an Act may be passed for the abovementioned purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No. 1516 confirmed.

**1.** By-law No. 1516 of the Town of Owen Sound, "A By-law authorizing levying a frontage rate upon lands in the Town of Owen Sound, fronting or abutting on streets upon which gas mains are or may hereafter be laid," and set out as Schedule "A" hereto, is hereby ratified and confirmed and declared to be binding upon the Town of Owen Sound and on the ratepayers thereof.

Authority to spend $1,500 for publicity purposes.

**2.** The Council of the said Town may include in the annual estimates a sum not exceeding $1,500 to be expended in diffusing information respecting the advantages of such Town as a manufacturing, business, educational or residential centre or as a desirable place in which to spend the summer months.

By-law No. 1534 confirmed.

**3.**—(1) By-law No. 1534 of the Town of Owen Sound, set out as Schedule "B" hereto, and all debentures to be issued thereunder and all rates, levies and assessments to be made for the payment of such debentures are confirmed and declared to be legal, valid and binding.

By-law No. 1422 repealed.

(2) By-law No. 1422, of the said Town, set out as Schedule "A," and the agreement set out as Schedule "B" to the Act passed in the 1st year of His Majesty's reign, chaptered 99, and so much of that Act as ratifies and confirms the said by-law and agreement, are repealed.

Authority to establish contingency funds.

**4.** The said Corporation may establish contingency funds for each or any of its utilities, namely, Electric Light Works, Gas Works and Waterworks, out of the frontage rates or consumers' rates, or both, collected for such utilities respectively, the fund or funds of each utility not to exceed ten per cent. of the amount invested in such utility and to be applied for the purpose of making such extensions or renewals of or improvements in such utility as may from time to time be deemed necessary by the said Council.

SCHEDULE

SCHEDULE "A."

BY-LAW No. 1516 OF THE TOWN OF OWEN SOUND.

*A By-Law to authorize levying a special rate upon lands in the Town of Owen Sound fronting or abutting on streets upon which gas mains are or may hereafter be laid.*

Whereas it is deemed advisable to levy and charge a special rate of two cents per foot of frontage upon the several lands, lots or parts of lots, fronting or abutting upon all streets, lanes and alleys in the municipality upon which gas mains from which the said Town supplies or is willing to supply gas, are now or may hereafter be laid, the proceeds of said rates to be applied in payment of interest, sinking funds, maintenance and contingent fund for the extension of the Gas System.

The Municipal Council of the Corporation of the Town of Owen Sound enacts as follows:—

1. An annual special rate of two cents per foot for each foot of frontage of all lands, lots or parts of lots, whether occupied or vacant, fronting or abutting upon all streets, lanes and alleys in the Town of Owen Sound, upon which gas mains from which the Town supplies, or is prepared and willing to supply, gas, are laid, is hereby levied and charged. The taxable frontage to be determined in the same manner as in the case of sewer frontages under the Local Improvement Act and By-Laws of the Town of Owen Sound.

2. That the same rate shall be levied and charged upon all such lands, lots or parts of lots fronting or abutting upon the streets, lanes and alleys upon which such mains shall hereafter be laid, such rate to be levied and charged upon each of said parcels of land from the time that the said Town is prepared to supply gas to said parcel from said extended mains.

3. The said annual special rate shall be due and payable in equal portions during the first month of each quarter, and if not paid shall be collected from the owners of the land in the same way as local improvement taxes, or shall be payable in such other manner as the said Council may hereafter determine.

4. The proceeds of the said frontage tax shall be applied in payment of interest, sinking funds, maintenance and contingent fund for the extension of the Gas system of the said town.

5. The said Council may at any time or times reduce the rate to be so levied as they may deem expedient.

6. The votes of the electors of the said municipality of the Town of Owen Sound shall be taken on this By-law by the same deputy returning officers and polling clerks and at the same polling places as may be duly appointed by By-law of the said Council for the next annual election of the members of the said Council, and shall be so taken on the same day and during the same hours as the said annual election, that is to say, on Monday the first day of January, one thousand nine hundred and twelve, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon

7. That on Thursday, the 28th day of December, A.D. 1911. at the Town Clerk's office in the Town of Owen Sound, at the hour of ten o'clock in the forenoon, the Mayor shall appoint in writing signed by himself, two persons to attend at the final summing up of the votes by the Clerk and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

8. That the Clerk of the said Municipal Council of the Town of Owen Sound shall attend at his office, at the hour of ten o'clock in the forenoon, on Tuesday, the second day of January, A.D. 1912, to sum up the number of votes given for and against this By-law.

9. This By-law shall come into force and effect forthwith after the final passing thereof by the Council.

Council Chamber, January 22, 1912.

(Sgd.) E LEMON, *Mayor.*
" CHAS. GORDON, *Clerk.*

SCHEDULE "B"

BY-LAW NO. 1534 OF THE TOWN OF OWEN SOUND.

*A By-law to authorize a grant of* $10,000.00 *a year for twenty years to a company to be formed for the construction and operation of a dry dock and ship repair and ship building plant in the Town of Owen Sound, and to authorize the taking of stock in the said Company to the amount of* $50,000.00.

Whereas it is to the interest of the Town of Owen Sound that a Dry Dock and Ship Repair and Ship Building plant should be constructed in the said Town.

And whereas an agreement for that purpose was made, dated the 18th day of May, 1910, and incorporated with By-law No. 1422 of the said Town.

And whereas it is deemed expedient to vary the terms of said agreement by providing for a grant of $10,000.00 per year instead of the grant of $50,000.00 therein provided for, and otherwise as in the agreement hereinafter mentioned set out, and for such purpose to repeal the said By-law No. 1422 and to enact as hereinafter mentioned.

And whereas by the said last mentioned agreement it is provided that Bernard Geen of Westminster, England, C.E., shall organize a company to construct and operate a Dry Dock, Ship Repair and Ship Building Plant in the said Town of Owen Sound, at a minimum expenditure of $1,200,000.00 and an estimated expenditure of $1,500,000.00, and that the said Corporation shall submit a By-law to the electors of the said Town authorizing a bonus of $10,000.00 annually for twenty years and the taking of stock in the said Company to the amount of $50,000.00, upon the conditions, and as provided, in the said last mentioned agreement.

And whereas it is desirable and expedient to grant the said bonus and to take stock in said company as aforesaid, and generally to confirm and ratify the said last mentioned agreement.

And whereas, in order to raise the amount of $50,000.00 to be paid for the said stock, it will be necessary to issue debentures of the said Town as hereinafter provided for the sum of $50,000.00, and it is deemed advisable to raise the amount required for the payment of the said $10,000.00 annually as the same may be required by special rate in manner hereinafter mentioned.

And whereas the whole amount of the debt intended to be created by this By-law is $250,000.00, to provide for payment of $50,000.00 for stock and $10,000.00 annually for twenty years, as more fully set out in said agreement.

And

And whereas $3,929.09 is the total amount required to be raised annually by special rate for a period of twenty years for paying the said debenture debt and interest thereon at the rate of four and a half per cent. per annum according to the terms of this By-law, whereof the sum of $2,250.00 is to be raised annually for the payment of interest, during the currency of the said debentures, and the sum of $1,679.09 is to be raised annually for the purpose of creating a sinking fund for the payment of the said debentures.

And whereas the amount of the whole ratable property of the said Town of Owen Sound, according to the last revised Assessment Roll, is $5,262,399.00 being for the year 1911.

And whereas the existing debenture debt of the Town of Owen Sound amounts to the sum of $1,084,418.43 and the amount exclusive of local improvement debt secured by special rate of assessment is $912,610.37, and there is no part of the principal or interest of the said existing debt in arrear.

The Municipal Council of the Corporation of the Town of Owen Sound therefore enacts as follows:—

1. The execution of the said last mentioned agreement, being Schedule "A" to this By-law, on behalf of the Corporation of the Town of Owen Sound by the Mayor and Clerk of the Council thereof, is hereby authorized, ratified and confirmed, and the said agreement is hereby incorporated in this By-law and shall be read and confirmed as part thereof. The first payment of the annual bonus to be made on the completion of the construction work in said Schedule "A" mentioned.

2. It shall be lawful for the Corporation of the Town of Owen Sound for the purpose of raising the said amount of fifty thousand dollars ($50,000.00), for the purchase of stock in said Company, to issue debentures of the said municipality in sums of not less than $100.00 each to the amount of $50,000.00, and to levy rates, as hereinafter mentioned, to provide for payment of same and the payment of the said annual sum of $10,000.00.

3. The debentures shall be signed by the Mayor and Treasurer of the Town of Owen Sound, and sealed with the Corporate Seal, and shall be made payable at the expiration of twenty years from the date of the issue of same, and shall bear interest at the rate of four and a half per cent. per annum, payable half yearly on the second day of January and the second day of July in each year during the said term.

4. The said debentures and interest thereon shall be payable at the Union Bank of Canada in the said Town of Owen Sound, and the said debentures shall bear date and be issued on the second day of July, 1913, and shall have attached to them coupons, signed by the Mayor and Treasurer of the said Municipality, for payment of interest as aforesaid.

5. During the currency of the said debentures there shall be raised, assessed and levied yearly by a special rate sufficient therefor on the whole ratable property of the said Town of Owen Sound the sum of $2,250.00 for the payment of interest on the said debentures and the sum of $1,679.09 for the purpose of creating a sinking fund for the payment of the debenture debt hereby secured and debentures issued therefor, making in all the sum of $3,929.09, to be raised annually by special rate as aforesaid, during each year of the said period of twenty years.

6. Debentures shall contain the provisions of Section 343 (1), of the Consolidated Municipal Act, 1903, as to transference of debentures.

7. During each of the said twenty years, commencing with the completion of the construction work, mentioned in said last mentioned agreement, there shall be raised, assessed and levied yearly by special rate, sufficient therefor on the whole ratable property in the said Town of Owen Sound, the sum of $10,000.00 for the purpose of paying the bonus for such year provided for in said agreement.

8. That By-law No. 1422 of the said Town is hereby repealed.

9. The votes of the electors of the Town of Owen Sound entitled to vote thereon shall be taken on this By-law on Saturday, the 9th day of March, 1912, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the places and by the deputy returning officers following:—

Polling Subdivision, Nos. 1 and 2—At Strathcona School, east room, by William Wilson, Deputy Returning Officer; and Ray Wilson, Poll Clerk.

Polling Subdivisions Nos. 3 and 4—At Strathcona School, west room by N. E. Todd, Deputy Returning Officer; and Robert M. McMurchy, Poll Clerk.

Polling Subdivision No. 5—At W. C. T. U. Hall, by W. A. Grier, Deputy Returning Officer; and Chas. Whitesides, Poll Clerk.

Polling Subdivisions Nos. 6 and 7—At Dufferin School, by Johnston Little, Deputy Returning Officer; and Wm. Little, Poll Clerk.

Polling Subdivision No. 7*a*—At Victoria School, by Alfred Atkins, Deputy Returning Officer; and Thos. Porter, Poll Clerk.

Polling Subdivisions Nos. 8 and 9—At Town Hall, Ladies' Waiting Room, by John C. Read, Deputy Returning Officer; and Horace Gordon, Poll Clerk.

Polling Subdivisions Nos. 10 and 13—At Ryerson School, by John Lindsay, Deputy Returning Officer; and Wm. C. Moffatt, Poll Clerk.

Polling Subdivision No. 11—At Lawson's Marble Shop, by John McTavish, Deputy Returning Officer; and Robert Douglas, Poll Clerk.

Polling Subdivision No. 12—At Campbell & Scarrow's Implement Shop, by Alexander Gilliland, Deputy Returning Officer; and Samuel Gilliland, Poll Clerk.

9. That on Thursday, the 7th day of March, 1912, at the Town Clerk's Office in the Town of Owen Sound, at the hour of ten o'clock in the forenoon, the Mayor shall appoint in writing signed by himself, two persons to attend at the final summing up of the votes by the Clerk, and one person to attend at each Polling Place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

10. That the Clerk of the said Municipal Council of the Town of Owen Sound shall attend at his office at the hour of ten o'clock in the forenoon, on the 11th day of March, 1912, to sum up the number of votes given for and against this By-law.

11. This By-law shall come into force and effect on the final passing thereof by the Council.

.....*Mayor.*

.....*Clerk.*

Council Chamber, Owen Sound,
.....1912.

This

SCHEDULE "A"

This agreement made in duplicate this twenty-third day of January, A.D. 1912.

BETWEEN—

Bernard Geen of Westminster, England, C.E., of the First Part

and

The Corporation of the Town of Owen Sound, hereinafter called the Corporation of the Second Part.

Whereas the said party of the first part proposes to organize a company to construct and operate a Dry Dock, Ship Repair and Ship Building plant, and, at the option of the said Company, to carry on structural steel works in the said Town of Owen Sound, at a minimum expenditure of $1,200,000.00 and an estimated expenditure of $1,500,000.00.

And whereas the parties hereto agree as follows:—

1. The party of the first part is to organize a company as aforesaid, and to prepare plans and submit same to the Department of Public Works for approval and with the view to obtaining the subsidy granted by the Dominion Government for Dry Docks.

2. The Corporation agrees not to enter into negotiations with any person or company other than the party of the first part or a company organized by him for the purposes aforesaid for the term of six months from this date, and in the event of his submitting the plans within six months as aforesaid then they will not enter into such negotiations with any person or company for such work, other than the said party of the first part, or the company to be organized by him, for the further space of twelve months. Should, however, the plans not be submitted as above provided, or should they not be approved by the said Department, or should the said party of the first part have failed in organizing a company for the purposes aforesaid, or should the said company to be organized not be prepared to commence the said work within eighteen months from this date and proceed with same with due diligence, the Corporation may, at its option, cancel the agreement herein contained.

3. And the said party of the first part agrees that until the said dock is completed, unless the Corporation exercises its option under paragraph 2, he will not, directly or indirectly, promote any company for the construction or operation of any such work at any place in Canada other than at Owen Sound.

4. The Corporation further agrees to submit a By-law to the electors of said Town authorizing a bonus of $10,000.00 annually for twenty years to be paid to the said Company, the first of such payments of $10,000.00 to be made on the completion of said work, and a payment of $10,000.00 to be made at the expiration of each year thereafter until the said twenty annual payments have been made (Provided, however, that if the said Company shall cease to operate the said dock according to the true intent and purpose of this agreement, no further payment of the said bonus shall thereafter be made), and to empower the Corporation to take stock in the said Company to the amount of $50,000.00, also to endeavor to procure any legislation that may be deemed necessary for the purpose of ratifying the said By-law. And the Corporation also agrees that the said By-law shall provide that from and after the completion of the construction of the said work until the expiration of ten years thereafter, so long as the said Dry Dock is operated by the said

Company

Company, the said Dry Dock and Plant together with the lands and premises on which same are constructed or erected and the buildings, machinery and plant thereon belonging to the said Company, shall be exempt from all municipal taxes except school taxes and local improvement rates, and that the said Corporation will supply the said premises with water free for drinking and sanitary purposes, not exceeding 1,000 gallons daily during the said period and operation.

5. Any agreement made with the Company to be formed by the party of the first part shall contain a clause to this effect—that if the proposed company or their assigns at any time decided to move their dry docking and ship building plant, structural steel works or floating dock from the town, or cease to operate through amalgamation or agreement with any other company or companies, then the company binds itself, and its assigns, to pay back to the Corporation of Owen Sound the amount of the before mentioned bonus together with the amount of stock subscribed by the Town before such removal or agreement can be made.

6. It is further agreed between the parties hereto that the provisional Board of Directors of said Company be approved by the Council of the said Corporation, and that if the said Board is not so approved, the said Council may at its option and on behalf of the said Corporation cancel the agreement herein contained; also that the said Corporation may be represented on the Board of Directors, during the whole term that the said stock is held by the Corporation, by a director chosen by the said Council.

7. And it is further agreed, and any agreement with the said Company shall contain a clause to the effect, that the average number of hands employed by the said Company in such operation during each consecutive five years of the said exempt period of ten years shall be at least two hundred, and that if the said Company does not comply with this condition the property of the said Company shall not be exempt from taxation as aforesaid during the said five years, or the said Corporation, at its option, shall require the said Company to pay to the Corporation any lesser sum than the amount of taxes thereby made chargeable as compensation for the breach of said condition.

8. Provided also that if the undertaking of the Government to give the aforesaid subsidy shall not be obtained within twelve months of this date this agreement may be cancelled and determined, at the option of either of the said parties, or the said Council or Company.

9. And it is hereby declared and agreed that the words "party of the first part" and "Corporation," whenever used in this agreement and where the context allows, shall include and be binding on and enure to the benefit of not only the parties hereto, but also their respective heirs, executors, administrators, successors and assigns.

In witness whereof the party of the first part has hereunto set his hand and seal, and the Corporation has hereunto set its Corporate Seal, attested by the hands of the Mayor and Clerk.

(Sgd.) BERNARD GEEN
(Seal.)
Party of the First Part.
" E. LEMON, *Mayor.*
" CHAS. GORDON, *Clerk.*

Signed, Sealed and Delivered
in the presence of
(Sgd.) R. W. EVANS.

CHAPTER

# CHAPTER 116.

## An Act to confirm By-law No. 388 of the Corporation of the Town of Parry Sound, and an Agreement with the Standard Chemical Iron and Lumber Company of Canada, Limited.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the corporation of the Town of Parry Sound has by petition represented that By-law No. 388 of the said Town, set out in Schedule "A" hereto, being a By-law to authorize and confirm an agreement with Standard Chemical Iron and Lumber Company of Canada, Limited, and for granting a bonus thereto, and for the issue of debentures for the sum of Eighty-five Thousand Dollars for the purposes thereof, was duly submitted to the qualified ratepayers of the said Town on the 12th day of February, 1912, in accordance with the provisions of *The Consolidated Municipal Act, 1903,* and that the same received the assent of more than one-third of the ratepayers entitled to vote thereon, and a majority of those voting thereon in the said Town, and the said By-law was finally passed by the Council of the said Town on the 26th day of February, 1912; and whereas the said Corporation has, by its petition, prayed that the said By-law and the agreement forming a part of the said By-law and set out in Schedule "B" hereto, be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

3 Edw. VII. c. 19

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 388 of Town of Parry Sound and agreement with Standard Chemical, Iron and Lumber Co.

**1.** By-law No. 388 of the Corporation of the Town of Parry Sound, set out in Schedule "A" hereto, and the agreement forming part of said By-law and set out in Schedule "B" hereto, are hereby ratified and confirmed and declared

to

to be legal, valid and binding on the said Corporation and on the ratepayers thereof, and the said Corporation is hereby declared to be, and to have been since the final passing of the said By-law, authorized and empowered to do all necessary and proper acts for carrying into effect the said By-law and Agreement respectively.

Debentures validated.

2. The debentures issued or to be issued under the said By-law No. 388 when so issued are declared to be legal, valid and binding on the said Corporation and the ratepayers thereof.

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SCHEDULE "A."

CORPORATION OF THE TOWN OF PARRY SOUND.

BY-LAW No. 388.

*A by-law to authorize and confirm an agreement with Standard Chemical, Iron and Lumber Company of Canada, Limited, and for granting a bonus thereto and for the issue of debentures for the sum of Eighty-five thousand dollars, for the purposes thereof.*

WHEREAS Standard Chemical, Iron & Lumber Company of Canada, Limited, (hereinafter called "the Company") is authorized to carry on the business, among others, of manufacturers, dealers in and smelters of iron and other minerals;

And whereas the Company proposes to erect and operate a charcoal iron furnace plant in the Town of Parry Sound;

And whereas the Company has requested the said Town to make a loan to the Company of the sum of twenty-five thousand dollars ($25,000) without interest, and to grant to the Company a bonus by way of gift of twenty-five thousand dollars ($25,000) and conveying to the Company certain land and to make other concessions thereto;

And whereas the said Company has entered into a provisional agreement with the said Town bearing date the sixteenth day of January, 1912, with respect to the matters aforesaid, a copy of which agreement is hereunto annexed and marked as Schedule "A" and forms part hereof;

And whereas it will be necessary in accordance with the said agreement for the Town to purchase certain lands to be conveyed to the Company for the construction thereon by the Company of the charcoal iron furnace and to build a wharf in front of the lands;

And whereas the purchase of the said lands will cost forty-seven hundred and fifty dollars ($4,750) and the construction of the said wharf is estimated to cost thirty thousand dollars ($30,000);

And whereas for the purpose of making said loan it will be necessary for the Town to issue debentures for the sum of twenty-five thousand dollars ($25,000) which debentures are hereinafter denominated series "A," and for the purpose of granting the said bonus by way of gift and constructing the said wharf and purchasing the said lands, it will be necessary for the Town to issue de-

bentures

bentures for the sum of Sixty-thousand dollars ($60,000) which said debentures are hereinafter denominated series "B," the said total amount of eighty-five thousand dollars ($85,000) being the amount of the debt intended to be created by this By-law, and to provide for the payment of the same and interest thereon in the manner hereinafter mentioned, the proceeds of the said debentures to be applied for the purpose of carrying into effect the said agreement and no other.

And whereas the amount of the whole rateable property of the Town of Parry Sound according to the last revised assessment roll thereof is one million three hundred and seventy-two thousand four hundred and fifty-eight dollars ($1,372,458),

And whereas the total amount required to be raised annually for the period of twenty years by special rate for paying said debentures denominated series "A" being a portion of the said debt and interest is the sum of two thousand and six dollars and six cents ($2,006.06) over and above all other rates and assessments;

And whereas the total amount required to be raised annually for a period of thirty years by special rate for paying said debentures denominated series "B" being a portion of the said debt and interest is the sum of thirty-nine hundred and three dollars and nine cents ($3,903,09) over and above all other rates and assessments;

And whereas the amount of the existing debenture debt of the said Municipality is one hundred and fifty-eight thousand three hundred and sixty-six dollars and twenty cents ($158,366.20) exclusive of the fifty-four hundred and sixty-one dollars and seventy-seven cents ($5,461.77) the latter being the amount of the debenture debt due in respect of local improvements;

And whereas no part of the said principal money or interest is in arrear;

Now therefore the Municipal Council of the Corporation of the Town of Parry Sound enacts as follows:

1. That the said sum of twenty-five thousand dollars shall be expended by the said Town by way of a loan to the said Company as hereinbefore recited and hereinafter set out, and that for the purpose of raising the said sum it shall be lawful for the Mayor of the said Town to cause any number of debentures to be issued to the amount of twenty-five thousand dollars in sums of not less than $100 each, which said debentures shall be denominated and known as series "A" hereunder and shall be sealed with the seal of the said Corporation and signed by the Mayor and countersigned by the Treasurer thereof.

2. That the said debentures shall bear interest at the rate of five per cent (5%) per annum which shall be included in and made payable in the debentures with the instalments of principal maturing in each and every year.

3. That a portion of the debentures issued under paragraph One of this By-law shall be made payable on the thirty-first day of December in each and every year for a period of twenty years, so that the sum to be levied annually for principal and interest shall be as nearly as may be equal in each year and the said sum to be raised and levied annually in respect of the said debentures denominated series "A" as aforesaid, is hereby fixed at two thousand and six dollars and six cents ($2,006.06) which amount shall be raised annually by special rate sufficient therefor on the whole rateable property of the said Corporation over and above all other rates.

4. That the yearly installments shall be payable on the 31st day of December in each and every year as follows:

| Year. | Interest. | Principal. | Total. |
|---|---|---|---|
| 1 | $1,250.00 | $ 756.06 | $2,006.06 |
| 2 | 1,212.25 | 793.81 | 2,006.06 |
| 3 | 1,172.56 | 833.50 | 2,006.06 |
| 4 | 1,130.92 | 875.14 | 2,006.06 |
| 5 | 1,087.06 | 919.00 | 2,006.06 |
| 6 | 1,041.21 | 964.85 | 2,006.06 |
| 7 | 992.87 | 1,013.19 | 2,006.06 |
| 8 | 942.31 | 1,063.75 | 2,006.06 |
| 9 | 889.06 | 1,117.00 | 2,006.06 |
| 10 | 833.26 | 1,172.80 | 2,006.06 |
| 11 | 774.56 | 1,231.50 | 2,006.06 |
| 12 | 712.98 | 1,293.08 | 2,006.60 |
| 13 | 848.38 | 1,357.68 | 2,006.06 |
| 14 | 580.44 | 1,425.62 | 2,006.06 |
| 15 | 508.16 | 1,496.90 | 2,006.06 |
| 16 | 434.31 | 1,571.75 | 2,006.06 |
| 17 | 355.69 | 1,650.37 | 2,006.06 |
| 18 | 273.15 | 1,732.91 | 2,006.06 |
| 19 | 185.50 | 1,820.56 | 2,006.06 |
| 20 | 95.53 | 1,910.53 | 2,006.06 |

5. That the said sum of twenty-five thousand dollars ($25,000) shall be granted as a bonus by way of gift to the said Company, and the said wharf constructed, and the said lands to be used as a site for said Company's plant shall be purchased and conveyed to the Company, and that for the purpose of raising the said sum required to grant the said gift, build said wharf and purchase said lands, it shall be lawful for the Mayor of said Town to cause any number of debentures to be issued to the amount of sixty thousand dollars ($60,000) in sums of not less than One hundred dollars each ($100) which said debentures shall be denominated and known as series "B" hereunder and shall be sealed with the seal of the said Corporation and signed by the Mayor and countersigned by the Treasurer thereof.

6. That the said debentures shall bear interest at the rate of five per cent. (5%) pe rannum, which shall be included in and made payable in the debentures with the instalments of principal maturing in each and every year.

7. That a portion of the debentures issued under paragraph Five of this By-law shall be payable on the thirty-first day of December in each and every year, and the said sum to be raised and levied annually in respect of said debentures denominated series "B" as aforesaid is hereby fixed at thirty-nine hundred and three dollars and nine cents ($3,903.09) which amount shall be raised annually by special rate sufficient therefor on the whole rateable property of the said Corporation over and above all other rates.

8. That the yearly instalments shall be payable on the thirty-first day of December in each and every year as follows:—

| Year. | Interest. | Principal. | Total. |
|---|---|---|---|
| 1 | $3,000.00 | $ 903.09 | $3,903.09 |
| 2 | 2,954.85 | 948.24 | 3,903.09 |
| 3 | 2,907.43 | 995.66 | 3,903.09 |
| 4 | 2,857.65 | 1,045.44 | 3,903.09 |
| 5 | 2,805.38 | 1,097.71 | 3,903.09 |
| 6 | 2,750.49 | 1,152.60 | 3,903.09 |
| 7 | 2,692.86 | 1,210.23 | 3,903.09 |
| 8 | 2,632.35 | 1,270.74 | 3,903.09 |
| 9 | 2,568.82 | 1,334.27 | 3,903.09 |
| 10 | 2,502.10 | 1,400.99 | 3,903.09 |
| 11 | 2,432.05 | 1,471.04 | 3,903.09 |
| 12 | 2,358.50 | 1,544.59 | 3,903.09 |
| 13 | 2,281.27 | 1,621.82 | 3,903.09 |

| Year. | Interest. | Principal. | Total. |
|---|---|---|---|
| 14 | 2,200.18 | 1,702.91 | 3,903.09 |
| 15 | 2,115.02 | 1,788.07 | 3,903.09 |
| 16 | 2,025.65 | 1,877.44 | 3,903.09 |
| 17 | 1,931.77 | 1,971.32 | 3,903.09 |
| 18 | 1,833.20 | 2,069.89 | 3,903.09 |
| 19 | 1,729.71 | 2,173.38 | 3,903.09 |
| 20 | 1,621.04 | 2,282.05 | 3,903.09 |
| 21 | 1,506.94 | 2,396.15 | 3,903.09 |
| 22 | 1,387.13 | 2,515.96 | 3,903.09 |
| 23 | 1,261.33 | 2,641.76 | 3,903.09 |
| 24 | 1,129.25 | 2,773.84 | 3,903.09 |
| 25 | 990.55 | 2,912.54 | 3,903.09 |
| 26 | 844.93 | 3,058.16 | 3,903.09 |
| 27 | 692.02 | 3,211.07 | 3,903.09 |
| 28 | 531.46 | 3,371.63 | 3,903.09 |
| 29 | 362.86 | 3,540.21 | 3,903.09 |
| 30 | 185.87 | 3,717.22 | 3,903.09 |

9. That the principal and interest on the debentures issued under this By-law shall be payable at the Treasurer's office in the Town of Parry Sound.

10. That all moneys received from the said Company on account of the said loan shall forthwith, after receipt thereof, be deposited to a special account in some chartered bank, and the moneys standing to the credit of such special account, or a sufficient part thereof, at the time of settling the total annual rate and making up the Collector's Roll for any year, shall be applied in or towards payment of the amount falling due in each year for principal and interest on account of the debentures denominated series "A," and the amount to be raised each year for such purpose shall be reduced to the extent of the sum so applied.

11. That the Mayor and Clerk are hereby authorized to attach the corporate seal of the Corporation to the said agreement, marked Schedule "A" hereto, and to enter into, make, execute and deliver the same, and such agreement is hereby incorporated with and forms part of this By-law.

12. That the said assessment for municipal purposes (except school) of the lands, buildings, stock in trade, plant, machinery, fixtures and materials, and other assessable property of the said Company, be, and the same is hereby fixed, at twenty-five thousand dollars ($25,000) per annum for a term of ten (10) years, to be computed from the first day of January, 1913, but such fixed assessment shall not include any residence or dwelling houses which may be built or purchased within the town by the said Company, nor any portion of the Company's assessable property used for any purposes not connected with the business of the Company, such residences or dwelling houses and last mentioned property being assessed for all municipal purposes as if this By-law had not been passed. Provided that in the event of the destruction of said Company's buildings or property or any part thereof in respect of which the assessment is fixed as aforesaid, so that the value of the said buildings with the lands and other property shall not be equal to the said sum of twenty-five thousand dollars the assessment shall be made, while such value is under twenty-five thousand dollars, as if this By-law had not been passed.

13. That this By-law shall come into force and effect immediately after the passing thereof.

14. That the votes of the electors of the said town shall be taken on this By-law at the following times and places, that is to say: On Monday, the twelfth day of February, 1912, commencing at the hour of nine o'clock in the forenoon and continuing

tinuing till five o'clock in the afternoon of the same day; in the west ward at the fire-hall, Thomas Clark, Deputy Returning Officer; in the centre ward at the Town Clerk's office, Oddfellows' Building, Andrew Logan, Deputy Returning Officer; in the east ward at premises lately occupied by the Bank of Toronto, in Fawcett's Block, James A. Allan, Deputy Returning Officer.

15. On Thursday, the eighth day of February, 1912, the Mayor of the said town shall attend at the Council Chamber at the hour of ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in or opposing the passing of this By-law.

16. The Clerk of the town shall attend at the Council Chamber in the said town at ten o'clock in the forenoon of Tuesday, the thirteenth day of February, A.D. 1912, and sum up the number of votes given for and against this By-law.

Passed the twenty-sixth day of February, 1912.

JOHN A. JOHNSON, *Mayor.*
E. E. ARMSTRONG, *Clerk.*

(Corporate Seal.)

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SCHEDULE "B."

(*This is Schedule "A" referred to in By-law No. 388 of the Town of Parry Sound.*)

This agreement made this sixteenth day of January, 1912.

BETWEEN—

The Corporation of the Town of Parry Sound, hereinafter called "the Town,"

Of the First Part,

—and—

Standard Chemical Iron & Lumber Company of Canada, Limited, hereinafter called "the Company,"

Of the Second Part.

WHEREAS the Company is authorized to carry on the business, among others, of manufacturers, dealers in, and smelters of iron and other minerals;

And whereas the Company proposes to erect and operate a charcoal iron furnace plant in the Town of Parry Sound, for the purpose of a smelting works;

And whereas the Company has requested the said Town to assist the Company in connection with its business in said Town by making a loan to the Company of the sum of twenty-five thousand dollars ($25,000) to be repayable at the rate of twelve hundred and fifty dollars ($1,250) per annum without interest, and to grant to the Company a bonus upon the completion of said charcoal iron furnace of twenty-five thousand dollars ($25,000) and by granting to the Company certain lands in fee simple and making other concessions;

Now therefore this agreement witnesseth that the Company and the Town do hereby covenant and agree in manner following, that is to say:—

1. The Town covenants with the Company:—

(1) To forthwith convey or cause to be conveyed to the Company the following property, namely, that parcel of land containing six acres, more or less, situate in the Town of Parry Sound, formerly the Township of McDougall, being composed of that part of Lot Twenty (20) in concession A of the said Township, described as follows:—

"Commencing at the east limit of road allowance along shore of Bay at a point where the same is intersected by the north limit of the road allowance running easterly and westerly between the said Township of McDougall, and the Town of Parry Sound previous to annexing said Lot Twenty to the Town of Parry Sound, thence easterly along the said northerly limit a distance of nine (9) chains, thence northerly at right angles to such northerly limit of road allowance a distance of seven (7) chains, thence westerly parallel with the original town line and said road allowance to the east limit of road allowance along the shore of Bay, thence southeasterly along said east limit seven (7) chains more or less to the place of beginning, together with all rights of the William Beatty Estate and their successors in title, in shore allowance in front of the premises, together with all privileges, appurtenances belonging to the said premises."

(2) The Town will forthwith make application to have conveyed to the Company the water lot in front of said land, and between it and said wharf.

(3) The Town will by proper corporate action cause to be closed the street known as Isabella Street, from a point at or near the under-pass beneath the Canadian Pacific Railway Company's siding westerly to the water's edge, upon the Company causing to be conveyed to the Town for the purposes of a continuation of the said Isabella Street to the water's edge, such lands to the south of the present site thereof, approved by the Town Engineer, as will afford some other convenient road or way of access to the said water's edge.

(4) That the Town will by the fifteenth day of June, 1912, construct a wharf, six hundred feet long, and at least twenty feet wide and the piles to be at least six feet high above zero running nearly parallel to the front of the property so to be conveyed by the Town to the Company with a depth of water on the harbour side of at least twenty-five feet, such wharf to be constructed at once according to the plan of Mr. Wickstead, and to specifications approved of by the Company. If the cost of the construction of such wharf and the filling in by the Town hereinafter mentioned shall exceed the sum of thirty-five thousand dollars ($35,000) the Company shall provide the Town with the additional funds for the purpose of paying such excess.

(5) That the Town will by the fifteenth day of June, 1912, fill in to the wharf level with rock and earth so as to constitute a sufficient foundation for the purposes intended the water lot hereinbefore mentioned for a width of one hundred and fifteen feet running from the centre of the wharf to the shore.

(6) That the Town will give to the Company for all purposes of the business of the Company, a right of way over the property of the Town for a siding from the joint siding of the Canadian Pacific Railway Company and the Canadian Northern Ontario Railway Company to the land hereinbefore agreed to be conveyed to the Company and will apply for a grant of any Crown Lands necessary for that purpose.

(7) The Town agrees to grant to the Company a lease of the wharf hereinbefore provided for for twenty-one years from the

fifteenth

fifteenth day of June, 1912, at an annual rental of one hundred dollars per year, payable on the last day of each and every year of the said term, the Company to keep the said wharf in repair, and the lease to contain a provision for termination thereof by the Town for non-repair after reasonable notice or if the Company cease to operate the plant hereinafter referred to at any time for the space of two consecutive years. The lease shall contain a provision that the Company, not being in default thereunder shall have the privilege of renewing the said lease for a further term of twenty-one years on the same terms and under the same conditions as those contained in the original lease, except that any further renewal thereof shall be on terms to be agreed upon between the parties, or fixed by arbitration. The said lease shall also contain a provision that the Company shall have the option of purchasing the wharf at the expiration of or at any time during the currency of the first term of twenty-one years, for a sum equivalent to its original cost price to the Town of the said wharf and said filling in by the Town not exceeding the said sum of thirty-five thousand dollars ($35,000). The said lease shall further provide that if the Company elects to exercise the said option at or before the expiration of the first term of twenty-one years, it shall have the privilege of then paying the whole or any part of the purchase price, and the remainder of the said purchase price shall be paid at or before the expiration of the second period of tewnty-one years, and meanwhile the Company shall pay to the Town interest at the rate of five per cent. per annum on the amount remaining unpaid. The said lease shall further contain a provision that the Company may at any time and from time to time at its own expense alter or improve said wharf or widen the same, so as to make the same extend a greater distance into the water of the harbour, provided, however, that the plans of such alterations, improvements or extensions, shall be submitted to the Town Engineer for the time being, for his approval. Should the said lease be terminated by the Company ceasing to operate the plant as aforesaid, or if for any other reason the wharf shall revert to the Town, the Company shall grant to the Town a convenient, free and uninterrupted right of way at least forty feet wide for the use and enjoyment of the said wharf by any and all parties requiring to use the same, from the public street at or near the shore to the said wharf.

2. The Company covenants with the Town:—

(1) That the Company will on the conveyance of the land before mentioned erect a charcoal iron furnace thereon capable of producing when running at full capacity one hundred tons of charcoal iron, during each working day of twenty-four hours, the erection of said furnace to be commenced on or before the fifteenth day of June, 1912, and the same prosecuted to completion without undue delay.

(2) The Company agree to employ a daily average of sixty men during the time the furnace is operating, in and about said plant.

(3) Subject to the right to shut down said furnace for re-lining, reconstruction and extraordinary repairs and subject to delays caused by fires, explosions or other casualties or strikes or other causes beyond the Company's control, the Company agrees to operate the said furnace at least three hundred working days per year during the term of twenty years from the time that the same is first put in operation.

(4) If the Town shall at any time during the said period of twenty years engage in the business of supplying electric power or supplying water, the Company will, if the Town shall have electric power or water available, sufficient for the requirements of the Company, purchase and obtain from the Town at such rates as may be mutually agreed upon, its electric power and water sufficient for its said requirements.

(5) That it will if the cost of the said wharf and filling in by the Town exceeds thirty-five thousand dollars provide the Town with the necessary funds to pay such excess as the same may be required.

3. Upon the completion of the said furnace and upon the same being put in operation the Town covenants with the Company:

(1) That the Town will pay to the Company as a bonus the sum of twenty-five thousand dollars ($25,000) and will at the same time advance to the Company the sum of twenty-five thousand dollars ($25,000) by way of a loan, the same to be repayable without interest at the rate of Twelve hundred and fifty dollars per year, the same to be secured by a first mortgage upon the property of the Company in the Town of Parry Sound, the first payment under the said mortgage, to become due at the expiration of one year from the date of said mortgage, such mortgage to be according to the form known as the long special form of mortgage, and to contain the usual covenants and powers of sale, exercisable on one month's default after one month's notice, and on three months' default without notice.

(*a*) The Town grants to the Company and its assigns a fixed assessment on all the lands of the Company in the Town of Parry Sound which they may acquire hereunder, together with all the buildings, stock-in-trade, plant, machinery, fixtures and materials and other assessable property of the Company, for a period of ten years to be computed from the first day of January, 1913, and the same shall be annually assessable for all except school purposes en bloc at the sum of twenty-five thousand dollars ($25,000) and no more, as a fixed assessment inclusive of the business tax in respect of the said business and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefitted thereby except in respect of any local improvement rates heretofore assessed against the said lands. In case any part or parts of the said lands be used for the purposes of dwelling houses or for any purposes not connected with the business of the Company, such part or parts when and so long as used for such purposes shall be assessable as if this agreement had not been made.

(*b*) In the event of the destruction of the said buildings or property or any part thereof, so that the value of the said buildings with the said lands and other property shall not be equal to the said sum of twenty-five thousand dollars ($25,000) an assessment shall be made while such value is under twenty-five thousand dollars ($25,000) as if this agreement had not been made.

(*c*) The assessors and other officers making such assessment are to be authorized by By-law and required to make their assessments and returns to conform to the provisions hereof.

4. The Company agrees to give to the Town free of cost thirty per cent. of slag from the operation of the said plant until such time as the Company have filled in the water lot between the property agreed to be conveyed to the Company and the wharf hereinbefore mentioned, such slag to be used by the Town for the purpose only of building and repairing sidewalks and streets. After said water lot is entirely filled in, the Company agrees to give to the Town all its surplus slag, in any case not less than thirty per cent.

5. This agreement is not to go into force or effect unless the Town is able to obtain free of charge to the Company a right of way for a siding from the Canadian Pacific Railway Company and

(or)

(or) from the Canadian Northern Ontario Railway Company to the said lands, nor shall the Company be bound by any of the provisions herein unless the By-law hereinafter mentioned is ratified by the ratepayers and confirmed by the Legislature, nor unless the Company is able to acquire within a reasonable time, such land as they may require for their purposes south of Waubeek Street and adjoining the lands hereinbefore mentioned and described.

6. The Council of the Town shall forthwith cause to be submitted to the qualified ratepayers a By-law to authorize and confirm this agreement, and for the granting of the bonus herein provided for and for the issue of debentures for the purposes hereof.

7. If the said By-law is approved by the qualified ratepayers the Town shall cause application to be made at the Session of the Legislature of Ontario for the year 1912, for the confirmation of the said By-law and of this agreement.

8. If the said By-law shall be approved by the qualified ratepayers as aforesaid, and confirmed by the Legislature, and if the Company shall fail to proceed with the construction of its plant in accordance with the terms hereof, for any other reason than the failure to obtain a siding as aforesaid, then the Company shall pay to the Town the expenses of the submission of such By-law to the ratepayers and the expenses attending the obtaining of the said legislation.

9. This agreement shall extend to, include, enure to the benefit of and be binding upon not only the parties hereto but also their successors and assigns.

In witness whereof the parties hereto have executed these presents.

SIGNED, SEALED AND DELIVERED
In the presence of

Standard Chemical Iron and Lumber Company of Canada, Limited.

A. E. McBRIDE,

GEO. J. WEBSTER, *Asst. Gen. Mgr.*
A. M. GREIG, *Secretary.*

As to signature of Mayor and Clerk,

(Corporate Seal.)

A. G. TUDHOPE.

J. A. JOHNSON, *Mayor.*

(Corporation Seal.)

E. E. ARMSTRONG, *Clerk.*

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CHAPTER

# CHAPTER 117.

## An Act respecting the City of Peterborough.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the City of Peterborough has by petition prayed that an Act may be passed to enable the Corporation to purchase or to acquire by expropriation the property, plant, and appliances situated within the County of Peterborough of any person, firm, or corporation engaged in the business of supplying light, heat or power for sale, and whereas it is expedient to grant the prayer of the said petition so far as to enable the corporation to purchase or to acquire by expropriation the property, plant and appliances of the Peterborough Light and Power Company, Limited.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to expropriate water powers and electrical development plant, etc.

**1.** Notwithstanding anything contained in any general or special Act of this Legislature or in any by-law or agreement heretofore passed or entered into, the Corporation of the City of Peterborough may purchase or, without the consent of the owner or owners thereof or persons interested therein, may enter upon, acquire, take possession of, expropriate and use any lands, property, erections, machinery, works, plant and appliances of the Peterborough Light and Power Company, Limited, or any part thereof in the City of Peterborough, now used and operated under by-law No. 1497, of the City of Peterborough and the agreement set out therein, paying for what is acquired or taken possession of such sum as may be agreed on, or in default of agreement, as may be determined by arbitration in accordance with the provisions of *The Consolidated Municipal Act, 1903,* and amendments thereto.

How compensation to be calculated.

**2.** In determining the compensation to be paid under section 1, nothing shall be taken into account or allowed for prospective profits or because of the granting to, or enjoy-

ment by the company of the rights or any of the rights granted or conferred on the said company by or under the said by-law and agreement.

Approval of Hydro-Electric Power Commission.

3. The powers conferred by this section shall not be exercised by the said Corporation except under a By-law or agreement which, before being finally passed or entered into, has been submitted to and has received the approval of the Hydro-Electric Power Commission of Ontario.

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CHAPTER

## CHAPTER 118.

### An Act respecting the City of Port Arthur.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Municipal Corporation of the City of Port Arthur, hereinafter called "the Corporation," by petition represented that the by-laws specified in Schedule "A" hereto have been submitted to and approved of by the qualified ratepayers, and it is desirable that the said by-laws and the debentures to be issued thereunder should be confirmed; and whereas the by-law and agreement set out as Schedule "B" hereto to authorize the Corporation to guarantee $30,000 of the bond issue of a company to be formed by one John L. McRae and to fix the assessment of the property of such company, except for school purposes and local improvements, were on the 20th day of February, 1912, submitted to the qualified electors for their approval, when out of 2,354 electors entitled to vote 654 voted for and 368 against the said by-law and agreement; and whereas it has been proven that under the special circumstances of the case the by-law and agreement should be confirmed, and whereas the by-law of the Corporation set out as Schedule "C" hereto, intituled "By-law to authorize the exemption from taxation of the property of the Pigeon River Lumber Company," was on the 20th day of February, 1912, submitted to the qualified electors for their approval, when out of 2,354 electors entitled to vote 647 voted for and 400 against the by-law and whereas it has been proven that under the special circumstances of the case the said by-law should be confirmed; and whereas By-law 395 to aid by way of bonus the Port Arthur Steel and Wagon Company was on the 3rd day of January, 1910, submitted to the qualified electors, when out of 1,714 electors entitled to vote 756 voted for and 145 against the by-law; and whereas it has been proven that under the special circumstances of the case the said by-law should be confirmed; and whereas the Corporation has further represented that it has a debenture indebtedness made up and

maturing

maturing as shown in Schedule "E" hereto, and that owing to the rapid growth and development of the City and the heavy debt incurred in meeting the growing needs of the City it would be unduly burdensome on the ratepayers of the Corporation to meet the debentures at their maturity and it is desirable that such debentures should be consolidated into one issue of $1,885,000.00 payable within forty years; and whereas the Corporation has prayed that an Act may be passed for the above purposes; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws specified in Sched. "A" confirmed.

**1.** The By-laws specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made and rates levied or to be levied for the payment of the said debentures are confirmed and declared to be legal, valid and binding upon the Corporation and the Ratepayers thereof.

By-law and Agreement with John L. McRae, confirmed.

**2.** The By-law of the Corporation and the agreement between the Corporation and John L. McRae, set out as Schedule "B" hereto, are confirmed and declared to be legal, valid and binding on the said John L. McRae and on the Corporation and the ratepayers thereof, and the Corporation is authorized to do all acts, matters and things necessary to carry out the terms of the said by-law and agreement.

By-law re Pigeon River Lumber Co., confirmed.

**3.** The By-law of the Corporation set out as Schedule "C" hereto, intituled "By-law to authorize the exemption from taxation of the property of the Pigeon River Lumber Company," is confirmed and declared to be legal, valid and binding on the Corporation and the ratepayers thereof and on the said Company.

By-law 395 confirmed.

**4.** By-law No. 395 of the Corporation, intituled "By-law respecting certain aid or bonus to the Port Arthur Steel and Wagon Company and to authorize in connection therewith certain agreements with that Company," and the agreement set out as Schedule "D" hereto are confirmed and declared to be legal, valid and binding on the Corporation and the ratepayers thereof and on the said Company and it shall not be necessary for the purchaser of the bonds of the Company to enquire into the validity of the guarantee by the Corporation of the bonds of the Company.

**5.**—(1) The Council of the Corporation is hereby authorized without the assent of the electors qualified to vote on money by-laws to pass a by-law of the Corporation consolidating into one issue of One Million Eight Hundred and Eighty-five Thousand ($1,885,000.00) Dollars, the amount of the debentures authorized by the by-laws specified in Schedule "E" hereto, and to authorize the issue of debentures of the Corporation to the amount of One Million Eight Hundred and Eighty-five Thousand ($1,885,000.00) Dollars, payable in forty (40) years from the first day of January, 1912, and bearing interest computed from that date, at a rate not exceeding the rate of four and one-half per centum per annum payable half-yearly. Authority to consolidate debenture debt at $1,885,000.

(2) Such debentures may be expressed in sterling or currency, or in both, and may be payable at such place or places in Canada or elsewhere as may be designated therein, and shall have coupons for interest annexed, which shall be sufficient, if the signature of the treasurer be engraved or lithographed thereon. Place of payment, coupons.

(3) Such By-law need not recite the whole rateable property or the amount of the existing debenture debt of the municipality, nor any special rate to be raised annually for paying the debt and interest, but shall expressly provide for raising in each year during the currency of the debentures authorized the sum of Nineteen Thousand Eight Hundred and Thirty-seven ($19,837.00) Dollars for the payment of such debentures, that sum being sufficient with the interest on the investment thereof, estimated at four per centum to be capitalized yearly to discharge the debt created by the said debentures when payable. Sinking fund, etc.

(4) One Thousand ($1,000.00) Dollars, portion of such sum shall annually during the currency of the said debentures be levied on the assessed property of all ratepayers in the said city who are supporters of Public Schools, and Eighteen Thousand Eight Hundred and Thirty-seven ($18,837.00) Dollars, the remainder of such sum shall annually during the currency of the said debentures be levied on all the assessed property in the said city not exempt from taxation. How annual sum to be raised.

(5) From and after the passage of such By-law and the execution and issue of the debentures as thereby authorized and their deposit as herein provided for the Corporation shall levy yearly the respective sums thereby required to be raised to form a Sinking Fund for the payment of the principal of the said debentures, and shall cease to levy the several Corporation not required to raise sinking fund under by-laws consolidated.

eral and respective sums required to be raised yearly by and under the by-laws specified in Schedule "E" hereto for the purpose of forming Sinking Funds for the payment of the principal of the debentures issued under such by-laws respectively.

Levy for interest under by-laws consolidated.

(6) The Corporation shall continue to levy yearly the respective amounts required to pay the interest on the debentures issued under the by-laws specified in Schedule "E" hereto, or on such of the said debentures as may be from time to time outstanding, and as and when any of the debentures issued under such specified by-laws are paid or exchanged as herein provided, and then only the Corporation shall yearly levy for interest under the Consolidated By-law a sum equal to the interest at the rate mentioned in the Consolidated By-law on the amount of the debentures issued under such specified by-laws, which shall from time to time have been paid or exchanged.

Debentures to be deposited with National Trust Co.

(7) The debentures issued under the said Consolidated By-law shall be deposited with National Trust Company, Limited, to hold the same on trust to deliver the same, or any of them on the written order of the Mayor and Treasurer of the said City for the purpose of being used in payment of or in exchange for a like amount of debentures issued under any of the by-laws specified in Schedule "E" hereto, which shall thereupon be delivered to National Trust Company, Limited, and cancelled.

Application of Sinking Fund on hand.

(8) The Corporation shall continue to invest the funds now on hand for Sinking Fund in accordance with the provisions of *The Municipal Act* and on the maturity of the respective debentures mentioned in Schedule "E" shall apply so much of such sinking fund as appertains to such debentures respectively in or towards payment thereof.

Statement to Trust Co. of application of sinking fund.

(9) The Corporation shall furnish to National Trust Company, Limited, or the Trustee for the time being holding the consolidated debentures authorized by this Act a statement of the amount of Sinking Fund so applied, duly verified by the declaration of the City Treasurer and the Certificate of the Mayor, and the Trustee shall cancel an amount of the consolidated debentures equal to the amount of such Sinking Fund so applied in payment of debentures maturing or matured and the levy of any sum for Sinking Fund in respect of the debentures so cancelled shall thereupon cease.

Public school debentures.

(10) When any of the debentures heretofore issued for Public School purposes under By-laws Numbers 438, 577

and

and 907 are so paid or exchanged the annual sum to be levied thereafter for interest in respect of the amount thereof shall be so levied on the assessed property of all ratepayers in the said City who are supporters of Public Schools.

**6.** This Act may be cited as *The City of Port Arthur Act,* 1912. Short title.

SCHEDULE "A"

By-law No. 559.—To authorize the issue of debentures for $6,000 to cover the cost of improvements to the Municipal Buildings on Arthur Street and for furniture and equipment thereof.

By-Law No. 560.—To authorize the erection of a warehouse on the City property on the east side of Front Street for the use of The Utilities Department and for the issue of debentures to the amount of $6,000 to cover the cost thereof.

By-Law No. 563.—To authorize the issue of debentures for the sum of $10,000 towards the cost of the construction of a bridge over Current River on the Black Bay Road.

By-Law No. 564.—To extend the Water Works intake pipe and to erect Pump House and connections therewith and to authorize the issue of debentures for $75,000 to cover the cost thereof.

By-Law No. 565.—To authorize the construction of a new Force Main from the Power House to Van Horne Street and to issue debentures for $50,000.

By-Law No. 566.—To authorize the erection of a Stand Pipe and for the issue of debentures for $40,000 to cover the cost thereof.

By-Law No. 567.—To authorize the continuation of Cumberland Street from the southerly boundary of the Current River Park northerly to a point 500 feet southerly from Hodder Avenue and to issue debentures to cover the cost thereof amounting to $15,800.

By-Law No. 568.—For the completion of the Storage Dam at Current River and to authorize the issue of debentures for $30,000, to cover the cost thereof.

By-Law No. 571.—To extend the street railway easterly and to issue debentures to cover the cost thereof, to the amount of $17,250.

By-Law No. 594.—To authorize the purchase of Lot 6 in the Marks-Wiley Addition from Edwin J. Hopkins for school site and to issue debentures for $6,700.

By-Law No. 599.—To authorize the purchase of certain lands for the purchase of a school site and to issue debentures for $3,800.

By-Law No. 705.—To consolidate the sums authorized to be borrowed by certain local improvement by-laws into one sum of $280,350 and to borrow the same by the issue of debentures therefor.

SCHEDULE "B."

By-law No.

A By-law to authorize the City of Port Arthur to guarantee a first preferential bond issue not exceeding $30,000 of a Company to be incorporated by John L. McRae, and to authorize in connection therewith an agreement between the City of Port Arthur and the said John L. McRae, dated the 19th day of July, 1911.

Whereas the Corporation of the City of Port Arthur has entered into an agreement with John L. McRae (subject to the assent of

the

the ratepayers of the said City), a copy of which agreement is hereto attached, and it is expedient to make provision for the carrying out of the terms thereof, and to authorize the said Corporation to guarantee the bonds of a Company to be incorporated by the said John L. McRae to an amount not exceeding $30,000, and to obtain the assent of the ratepayers to all the other terms and conditions in the said agreement.

Therefore the Corporation of the City of Port Arthur enacts as follows:

1. The Corporation of the City of Port Arthur may enter into the said agreement with the said John L. McRae or the Company to be hereafter incorporated as aforesaid, a copy of which agreement is hereto attached, and may execute the same under the seal of the said Corporation, and may carry out the terms thereof and do all things necessary therefor, and the execution of the said agreement by the Mayor and Clerk of this Corporation is hereby ratified, confirmed and adopted.

2. The Mayor and Treasurer of the said Corporation are hereby empowered to sign, on behalf of the said corporation, a guarantee or guarantees, guaranteeing the principal and interest of the bonds of the said Company to an amount not exceeding $30,000, as provided by said agreement, and to take for such guarantee or guarantees a first mortgage from the said Company upon all its lands, being lots sixteen and seventeen in the O'Brien addition to the City of Port Arthur, according to a plan of first subdivision of the said addition, and any other lands which may hereafter be acquired by the said Company, to be used in connection with its business and all its machinery, plant, buildings and equipment, such mortgage to include all other plant, machinery, buildings or equipment which may hereafter be erected or installed by the said Company upon the said lands, the said bonds to be dated on the first day of January, 1912, and to be payable ten years from the said date, with interest at five per centum per annum, payable half yearly.

3. The real and personal property of the said Company shall be assessed at the fixed sum of $6,000.00 for ten years from the first day of January, 1912, so long as the said Company carries out and performs all the terms and conditions of the said agreement to be by it carried out and performed, such amount to include all assessment for lands, machinery, stock-in-trade and business tax, and for the purpose of all taxation, save and except for local improvements and schools.

4. This by-law shall come into force on the day of the final passing thereof.

5. The votes of the ratepayers of the said City of Port Arthur entitled to vote thereon shall be taken on this By-law at the following times and places, that is to say, on the 20th day of February, 1912, commencing at the hour of nine o'clock in the forenoon, city time, and continuing until five o'clock in the afternoon of the same day, city time, by the following Deputy Returning Officers and Poll Clerks:

Ward No. 1, Polling Subdivision No. 1.—At the Council Chamber in the Municipal Building, on Arthur Street, by Alex. Elliott as Deputy Returning Officer and by F. Graham as Poll Clerk.

Ward No. 1, Polling Subdivision No. 2.—At northwest 44 feet of Lot 5, south side of Park Street, by J. G. Ashforth as Deputy Returning Officer and by Vernon Ashforth as Poll Clerk.

Ward No. 2, Polling Subdivision No. 1.—At Lot 9, east side of Cumberland Street, by W. A. McCallum as Deputy Returning Officer and by W. T. Denison as Poll Clerk.

Ward

Ward No. 2, Polling Sublivision No. 2.—Lot 57 of Park Lots 8 and 9, south Pearl Street, by I. D. Denison as Deputy Returning Officer and by A. Chipman as Poll Clerk.

Ward No. 2, Polling Subdivision No. 3.—At Lots 1 and 2 of Lot 5 north John Street, south-west corner Algoma Street and Cornwall Avenue, by F. Thynne as Deputy Returning Officer and by Robt. Gurney as Poll Clerk.

Ward No. 2, Polling Subdivision No. 4.—At Lot 24, Block 27, Evans-Robinson & Heyden addition, by J. E. Jenkinson as Deputy Returning Officer and by B. Guerard as Poll Clerk.

Ward No. 3, Polling Subdivision No. 1.—At A. L. Russell's Office, north side of Cameron Street, by Geo. H. Rapsey as Deputy Returning Officer and by Alf. Friday as Poll Clerk.

Ward No. 3, Polling Subdivision No. 2.—At Lot 14 east side of Hill Street, Russell addition, by Fred Jones as Deputy Returning Officer and by Edmund Servais as Poll Clerk.

Ward No. 3, Polling Subdivision No. 3.—At City Storehouse, between Front Street and C. P. R., by J. A. Kennedy as Deputy Returning Officer and by O. Brooks as Poll Clerk.

Ward No. 3, Polling Subdivision No. 4.—At Lot 7, Block 9, McVicar addition, corner Wolseley and Ruttan Streets, by J. C. H. Wink as Deputy Returning Officer and by F. Dunn as Poll Clerk.

6. On the 15th day of February, 1912, at his office in the Municipal Building on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, city time, the Mayor shall in writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law respectively.

7. The 21st day of February, 1912, at the Council Chamber aforesaid, at 12 o'clock noon, city time, is hereby appointed for the summing up by the said Clerk of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur,

day of 1912.

Mayor.

Clerk.

Agreement made this 19th day of July, one thousand nine hundred and eleven,

Between

The Corporation of the City of Port Arthur, hereinafter called "the City" of the first part

and

John L. McRae, of the City of Port Arthur, of the second part.

Whereas it would be greatly in the interests of the City that the party of the second part should construct a plant for the manufacture of interior finishing for buildings, including columns, flooring, doors, windows, and other articles of the same nature, within the limits of the City of Port Arthur:

And

And whereas the said party of the second part has agreed to construct such a plant upon the terms and conditions hereinafter mentioned.

Therefore the parties hereto agree the one with the other as follows:

1. The said party of the second part shall forthwith form a company under the laws of the Province of Ontario with a capital of $100,000 to facilitate the carrying out of this agreement, of which company the party of the second part shall be the Manager, and the word "Company" hereafter appearing in this agreement shall refer to the Company so to be incorporated.

2. Immediately after the ratification of this agreement by the ratepayers of the City of Port Arthur the said Company shall commence and thereafter with all reasonable dispatch continue the construction upon lots sixteen (16) and seventeen (17) in the O'Brien Addition to the City of Port Arthur, according to the plan of first subdivision of the said addition, of a plant to manufacture interior finishing for buildings and other articles as above mentioned and shall have same ready for operation by the first day of September, 1912, save and except only if delayed by strike and other causes wholly beyond its control.

3. The said Company shall, after commencing operations on the first day of September, 1912, until the 1st day of March, 1913, employ as many men as practicable, and from and after the first day of March, 1913, shall employ at least thirty men during an average of three hundred working days per year for the ten years from the first of September, 1912, such men to be employed in and about the actual operation of the said plant or to be employed as teamsters, and upon the docks in the said city, handling the material only to be used in the said plant. The performance of 9,000 days' work in any one year shall be equivalent to the employment of the said thirty men for three hundred days in the said year.

4. Provided, however, that if in any year the business of said Company does not in its opinion warrant the performance of 9,000 days' work as aforesaid the same may be reduced to not less than 4,500 days in such year, but notwithstanding this proviso, the Company shall employ sufficient men to perform 27,000 days' work in any three consecutive years.

5. The said Company shall employ local labor and mechanics, providing there are competent men to be obtained, before going to points outside of the City of Port Arthur for same, and shall pay not less than the governing wage of the District to each class of workmen employed.

6. The said Company shall locate and maintain its head office in the City of Port Arthur, and all wages of the employees in Port Arthur shall be paid in Port Arthur.

7. In consideration of the above, and of the further covenants and agreements hereinafter contained, the City agrees to guarantee the principal and interest of the bonds of the said Company to the amount of one-half of the actual cost of the said plant, improvements, buildings, and the lands used in connection therewith as hereinafter provided, such guarantee not exceeding in the whole the sum of $30,000, which guarantee shall be secured by a first mortgage to the City upon all the lands, buildings, plant, machinery and equipment of the Company, and any other lands which may be acquired hereafter by the said Company to be used in connection with the said business and any other plant, machinery or equipment which may be hereafter brought upon the said lands, such bonds to be dated on the first day of March, 1912, and to be payable in ten years from such date with interest at 5 per cent.

per

per annum payable half-yearly. The said bonds shall be guaranteed by the City on the first day of March, 1912, to the amount of one-half of the moneys actually expended by the said Company up to that date upon the said plant and the purchase of the said lands, the amount so guaranteed, however, not exceeding $30,000. Provided, however, that if the said plant is not complete on the said date by reason of strikes and other causes beyond the control of the Company the valuation thereof shall be deferred for such period of time thereafter as will be equivalent to the time so lost.

8. The said plant, machinery, buildings and equipment shall be insured to their full insurable value, and the said insurance shall be transferred to the City, with loss payable to the City as its interest may appear. Such insurance shall be placed through local Insurance Agents providing the rates charged by them are not in excess of the rates which can be obtained through any outside agents.

9. The property of the said Company, including lands, machinery, equipment and stock-in-trade, shall be taxed for all purposes (except local improvement and school taxes) upon a fixed assessment of six thousand dollars per annum for the ten years from the first day of January, 1912.

10. If the Company fails to carry out and perform any of the terms or conditions herein contained and on its part to be carried out and performed, for any reason other than fire, storm, strikes or other unavoidable causes or accidents, the said exemption from taxation shall cease, and thereupon the property of the Company shall be liable to be assessed and taxed to the same extent as it would have been liable had this agreement not been entered into.

11. The said City shall have the right at all times through its auditors to examine the books and vouchers of the Company so as to ascertain the amount of money expended for plant, machinery, buildings and equipment and to require the officials of the said Company to furnish sworn statements as to the number of men employed and the time during which they have been employed in any year.

12. In the event of the said buildings, plant, machinery and equipment being either wholly or partially destroyed by fire during the currency of this agreement the fire insurance shall be paid to the City, but the said Company shall have the option of rebuilding the said plant, and upon the same having been rebuilt and put into the same condition as before the fire, the city shall pay the said Company all insurance moneys received by the City from the insurance companies. The men employed in the said rebuilding or repairing shall be deemed to be employees within the meaning of this agreement, and the days worked by them shall be counted as part of the number of days' labor to be provided by said Company. In every case of fire as aforesaid, if the said Company decides to rebuild or repair, the said work shall be completed and the said plant shall be ready for operation within one year from the date of said fire; otherwise the said Company shall be deemed to be in default under clause 10 hereof. All such rebuilding and repairing shall be subject to the approval of the officials of the said City.

13. As soon as the Company referred to in paragraph one hereof has been incorporated, the party of the second part shall transfer and assign this agreement to the said Company, and shall also transfer the lands, machinery, plant and equipment hereinbefore mentioned, or so much thereof as is then on hand, free from all encumbrances, and the Company shall assume and adopt this agreement under its corporate seal.

13*a*. None of the plant and machinery referred to in paragraph 7 hereof shall be removed from said lands at any time hereafter whilst the City's liability in said bonds remains in force without the consent of the City, and in case said plant and buildings and machinery are rebuilt after a fire, as provided by paragraph 12 hereof, the same shall be rebuilt upon the said lots 16 and 17, unless the City consents to their being rebuilt elsewhere.

14. The Company shall purchase all power required to operate the said plant from the City at the current price charged by the City to other consumers from time to time, not exceeding, however, $25 per H.P. for 24 hr. power, and $15 for day-light power.

15. This agreement is subject to approval by the ratepayers of the City entitled to vote thereon.

16. This agreement shall extend to and bind the heirs, executors, administrators and assigns, of the parties hereto and the said Company.

In witness whereof the said City has caused these presents to be signed by its Mayor and Clerk and its Corporate seal to be hereto affixed and the party of the second part has hereunto set his hand and seal.

Signed, sealed and delivered in the presence of

S. W. RAY,
*Mayor.*

(Seal.)

JAMES MCTEIGUE,
*City Clerk.*

Witness:
F. DEMUTH.

JOHN L. MCRAE.

SCHEDULE "C."

No.

By-law to authorize the exemption from taxation of the property of the Pigeon River Lumber Company.

Whereas by agreement dated the 15th day of August, 1901, the Pigeon River Lumber Company entered into an agreement with the Corporation of the Town of Port Arthur, whereby the said Company agreed, amongst other things, to construct a saw mill and general lumbering manufacturing plant in the Town of Port Arthur, and to operate the same, and the said Corporation on its part agreed to exempt the said Company's real and personal property actually used in connection with the said enterprise from all municipal taxation except school taxes and local improvement taxes for a period of ten years from the date of the said agreement.

And whereas at the time of the said agreement the said Company was assured by the representatives of the Corporation negotiating the said agreement that at the expiration of the said ten years the said tax exemption would be renewed for a further period of ten years.

And whereas under the said agreement, and relying on the said assurances the said Company has erected the said saw mill and general lumber manufacturing plant, and has fully carried out its part of said agreement;

And whereas the Company has applied to this Corporation for a renewal of the said exemption from taxation for a further period of

of ten years in accordance with the said understanding, and this Council feels it is morally bound to grant the said extension, and has agreed to submit this By-law for the approval of the ratepayers:

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:

1. This By-law shall take effect on the final passing thereof, but shall not be finally passed or have any force or effect until it has received the assent of the requisite number of ratepayers, in accordance with the provisions in that behalf of the Consolidated Municipal Act.

2. All the lands in the City of Port Arthur leased by the said Company from the Corporation under lease dated the 15th day of August, 1901, and the lands leased by the Company from the Canadian Pacific Railway Company, under lease dated the first day of March, 1901, and all the works, buildings, machinery, plant and personal property of the said Company now on or hereafter brought or put on the said lands and actually used in connection with the enterprise of the said Company shall be exempt from all municipal taxation, excepting school taxes and local improvement taxes, for a period of ten years from the fifteenth day of August, 1911, subject to the provisions and conditions contained in the said agreement of the 15th day of August, 1901. Provided, however, that in the event of the Canadian Pacific Railway Company exercising its right under its lease to the said Company to remove the said works, building and plant to other lands than those above described, such exemption shall thereupon cease as to the lands leased from the Canadian Pacific Railway Company as above described, and shall apply to the lands to which such works, buildings and plant are removed.

3. Nothing contained in this By-law shall affect, alter or prejudice any of the terms or conditions of the said agreement of the 15th day of August, 1901, but the same shall remain in full force and effect save and except as to the extension of the time for exemption from taxation as hereinbefore mentioned.

4. The votes of the electors of the said City of Port Arthur entitled to vote thereon shall be taken on this By-law at the following times and places, that is to say, on the 20th day of February, 1912, commencing at the hour of nine o'clock in the morning, city time, and continuing until five o'clock in the afternoon, city time, of the same day, by the following Deputy Returning Officers and Poll Clerks:

Ward No. 1., Polling Subdivision No. 1.—At the Council Chamber in the Municipal Building, on Arthur Street, by Alex. Elliott as Deputy Returning Officer and by F. Graham as Poll Clerk.

Ward No. 1, Polling Subdivision No. 2.—At south-west 44 of Lot 5, south side Park Street, by J. G. Ashforth as Deputy Returning Officer and by Vernon Ashforth as Poll Clerk.

Ward No. 2, Polling Subdivision No. 1.—At Lot 9, east side of Cumberland Street, by W. A. McCallum as Deputy Returning Officer and by W. T. Denison as Poll Clerk.

Ward No. 2, Polling Subdivision No. 2.—At Lot 57 of Park Lots 8 and 9, south Pearl Street, by I. D. Denison as Deputy Returning Officer and by A. Chipman as Poll Clerk.

Ward No. 2, Polling Subdivision No. 3.—At Lots 1 and 2 of Lot 5, North John Street, south-west corner Algoma Street and Cornwall Avenue, by F. Thynne as Deputy Returning Officer and by Robt. Gurney as Poll Clerk.

Ward No. 2, Polling Subdivision No. 4.—At Lot 24, Block 27, Evans-Robinson-Heyden addition, by J. E. Jenkinson as Deputy Returning Officer and by B. Guerard as Poll Clerk.

Ward No. 3, Polling Subdivision No. 1.—At A. L. Russell's Office, north side of Cameron Street, by Geo. H. Rapsey as Deputy Returning Officer and by Alf. Friday as Poll Clerk.

Ward No. 3, Polling Subdivision No. 2.—At Lot 14, east side Hill Street, Russell addition, by Fred Jones as Deputy Returning Officer and by Edmund Servais as Poll Clerk.

Ward No. 3, Polling Subdivision No. 3.—At City Storehouse, between Front Street and C. P. R., by J. A. Kennedy as Deputy Returning Officer and by C. Brooks as Poll Clerk.

Ward No. 3, Polling Subdivision No. 4.—At Lot 7, Block 9, McVicar addition, corner Wolseley and Ruttan Streets, by J. C. H. Wink as Deputy Returning Officer and by F. Dunn as Poll Clerk.

6. On the 15th day of February, 1912, at this Office in the Municipal Building on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, city time, the Mayor shall, in writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law respectively.

7. The 21st day of February, 1912, at the Council Chambers aforesaid, in the Municipal Building on Arthur Street, in the City of Port Arthur, at twelve o'clock at noon, city time, is hereby appointed for the summing up by the said Clerk of the number of votes given for and against this By-law respectively.

Council Chamber, Port Arthur,

day of 1912.

Mayor.

Clerk.

SCHEDULE "D."

By-law No. 395.

*By-law respecting certain aid or bonus to The Port Arthur Steel and Wagon Company and to authorize in connection therewith certain agreements with that Company.*

Whereas the Corporation of the City of Port Arthur has been asked to enter into the agreement hereto annexed with the Port Arthur Steel and Wagon Company, and it is necessary to obtain the assent of the electors before so doing, and to make provision for carrying out the terms of the said offer, and to have authority to guarantee the issue of bonds mentioned in the said offer, copy of which is hereto attached.

Now therefore the Corporation of the City of Port Arthur enacts as follows:

1. The Corporation of the City of Port Arthur may enter into the said agreement and carry out all the terms and details thereof, do all things necessary so to carry same out, and may, pursuant to the terms of the said agreement, copy of which is hereto attached, guarantee from time to time the bonds as mentioned in the said agreement up to the sum of $100,000, provided there is a cash expenditure of $200,000 in the construction and equipment of the plant and buildings mentioned in the said agreement.

2. So long as the terms of the said agreement are carried out by the said Port Arthur Steel and Wagon Company, or such other name as the said Company may adopt, the said Company shall be exempt from taxation for a period of twenty years from the date of the passing of this by-law, of municipal taxes, save and except local improvement taxes and school taxes.

3. This by-law shall come into force on the day of the final passing thereof.

4. The votes of the electors of the said City of Port Arthur shall be taken on this by-law at the following time and places, that is to say, Monday, the 3rd day of January, 1910, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the deputy returning officers and poll clerks hereinafter named, that is to say:

Polling Subdivision No. 1, Ward 1.—At Council Chamber in Municipal Building on Arthur Street, by W. A. McCallum as deputy returning officer, and A. G. Hanson as poll clerk.

Polling subdivision No. 2, Ward 1.—At Warehouse rear of A. McGillis's Store, on Lincoln Street, by J. R. Wishart as deputy returning officer, and Arthur McCallum as poll clerk.

Polling Subdivision No. 1, Ward 2.—At Lot 6, West Side of Cumberland Street, by Albert Bonin as deputy returning officer, and Edmund Servais as poll clerk.

Polling Subdivision No. 2, Ward 2.—At Lots 1 and 2 of Lot 5 North John Street, at south-west corner of Algoma and Cornwall Avenue, by F. Thynne as deputy returning officer, and Willie Anderson as poll clerk.

Polling Subdivision No. 1, Ward 3.—At Mr. A. L. Russell's Office, on the north side of Cameron Street, by Fred. Jones as deputy returning officer, and I. D. Denison as poll clerk.

Polling Subdivision No. 2, Ward 3.—At Lot 22, Block "C," McVicar Addition, by Geo. H. Rapsey as deputy returning officer, and J. C. Wink as poll clerk.

5. On the 28th day of December, 1909, at his office in the Council Chamber, on Arthur Street, at ten o'clock in the forenoon, the Mayor shall, in writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

6. The 4th day of January, 1910, at the Council Chamber aforesaid, at 12 o'clock noon, is hereby appointed for the summing up by the Clerk of this Corporation of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur,
13th day of January, 1910.

(Sgd.) I. L. MATTHEWS,

*Mayor.*

J. MCTEIGUE,

*Clerk.*

(Seal of Corporation.)

COPY

COPY.

Toronto, Ont.,
Nov. 25th, 1909.

*His Worship the Mayor and Council of the City of Port Arthur, Port Arthur, Ont.*

Mr. Mayor and Gentlemen:

I will undertake to organize a Company to be known as "The Port Arthur Steel and Wagon Company," (or such other name as may hereafter be decided upon), and will enter into a contract with your City as follows:

I will agree to have the Company establish a modern and up-to-date plant and buildings to carry on the manufacture of steel work and wagons in your City at a cash cost of $200,000.00, and will agree to employ during the first two years and thereafter continuously not less than 125 men daily for 280 days in each year, strikes, fires and tempests excepted, and when the Company prospers more will employ from three to four hundred men. Your City to furnish as its share in the transaction a 20-acre site, together with a dock site, said dock site to be about 200 feet wide, 65 feet of the same to be left free for navigation to within 400 feet of the shore, and to give the Company freedom from taxation for 20 years, save and except local improvement rates and school rates, and to guarantee first mortgage bonds of the Company for $100,000, said bonds to be secured by a first mortgage on all the Company's property in the City of Port Arthur, including lands, buildings and machinery. When the Company has expended $50,000 the City will hand over, or authorize to be handed over, $25,000 worth (par value) of said bonds to the Company. When the Company has expended $100,000, the City will hand over, or authorize to be handed over, another $25,000 worth of said bonds (par value) to the Company, and so on in like proportion until the Company has spent $200,000 in plants and buildings, the bonds to be first mortgage bonds at 5 per cent. for twenty years. The 20-acre factory site shall have a length one way of not less than 1,100 feet, and shall be 20 acres in extent, and shall be situated as per sketch attached.

The City will also agree to lay water mains to the property of the Company on usual conditions, and attach the usual street hydrants, and the Company shall on the dock site build a dock of about 70 feet in width, upon which they will lay, or procure to be laid, a railway track having a connection with a railway switch, and the Company shall at all times furnish reasonable dock and switch facilities to other manufacturers of the City of Port Arthur at reasonable rates.

The said Company shall commence building operations within a reasonable time from the passing of the by-law and the signing of the contract, and so soon as weather will permit, and will agree to have its buildings erected and plant installed on or before November 1st, 1910, with intent to start manufacturing wagons on or before said date, November 1st, 1910, and if the dock is not built during the same period, the work on it will be started and the dock will be built during the winter of 1910 and 1911, and completed by the 1st of July, 1911.

Yours truly,

(Sgd.) W. J. LINDSAY,
(Sgd.) D. F. BURK,
*Chairman Industrial Committee.*

We hereby certify the preceding to be a true and correct copy of By-law No. 395, passed by the Municipality of the City of Port Arthur, on the 13th day of January, 1910.

S. W. RAY,
*Mayor, and a Member of Council.*

J. MCTEIGUE,
*Clerk.*

SCHEDULE

## SCHEDULE "E."

| Purpose | By-law No. | Amending By-law. | Amount. | Year Due. |
|---|---|---|---|---|
| Lands | 14 | ... | $5,000 00 | 1917 |
| Miscellaneous | 448 | ... | 800 00 | 1920 |
| Electric Railway | 281 | 323 | 75,000 00 | 1921 |
| Power Development | 572 | ... | 30,000 00 | 1921 |
| Lands | 590 | ... | 6,000 00 | 1921 |
| Power Development | 591 | ... | 30,000 00 | 1922 |
| Electric Railway | 362 | ... | 40,000 00 | 1923 |
| " " | 367 | ... | 12,000 00 | 1924 |
| Bonuses to Railways | 418 | ... | 25,000 00 | 1924 |
| Schools | 438 | 441 | 10,000 00 | 1925 |
| Buildings | 795 | ... | 10,000 00 | 1925 |
| Miscellaneous | 778 | ... | 225,000 00 | 1925 |
| " | 446 | ... | 2,000 00 | 1925 |
| Electric Railway | 522 | ... | 12,500 00 | 1926 |
| Lands | 851 | ... | 15,000 00 | 1926 |
| " | 830 | ... | 45,000 00 | 1926 |
| Buildings | 847 | ... | 25,000 00 | 1926 |
| Bridges | 6 | ... | 15,000 00 | 1927 |
| Buildings | 11 | ... | 12,000 00 | 1927 |
| " | 16 | ... | 4,000 00 | 1927 |
| " | 17 | ... | 5,500 00 | 1927 |
| Waterworks | 36 | ... | 1,500 00 | 1928 |
| Lands | 37 | ... | 3,000 00 | 1928 |
| " | 229 | ... | 3,400 00 | 1928 |
| Bridges | 35 | ... | 7,500 00 | 1928 |
| Miscellaneous | 39 | ... | 15,500 00 | 1928 |
| Electric Light | 527 | ... | 15,000 00 | 1929 |
| Telephone | 338 | ... | 3,500 00 | 1929 |
| Lands | 342 | ... | 18,925 00 | 1929 |
| " | 345 | ... | 8,615 00 | 1929 |
| Buildings | 356 | ... | 2,500 00 | 1929 |
| " | 360 | ... | 3,500 00 | 1929 |
| Miscellaneous | 357 | ... | 14,000 00 | 1929 |
| Power Development | 459 | 481 | 3,000 00 | 1930 |
| Telephone | 445 | 481 | 30,000 00 | 1930 |
| Lands | 449 | 481 | 8,000 00 | 1930 |
| " | 445 | 481 | 6,000 00 | 1930 |
| Bonuses to Railways | 551 | ... | 50,000 00 | 1930 |
| Miscellaneous | 480 | ... | 11,800 00 | 1930 |
| Lands | 569 | ... | 600 00 | 1931 |
| Schools | 577 | ... | 15,000 00 | 1931 |
| Bridges | 563 | ... | 10,000 00 | 1931 |
| Buildings | 513 | ... | 12,000 00 | 1931 |
| " | 559 | ... | 6,000 00 | 1931 |
| " | 560 | ... | 6,000 00 | 1931 |
| Miscellaneous | 509 | ... | 12,000 00 | 1931 |
| " | 510 | ... | 5,000 00 | 1931 |
| " | 567 | ... | 15,800 00 | 1931 |
| " | 649 | ... | 13,000 00 | 1931 |
| Telephone | 615 | ... | 12,000 00 | 1932 |
| Parks | 203 | 337 | 500 00 | 1932 |
| Electric Railway | 657 | ... | 7,000 00 | 1933 |
| Waterworks | 671 | ... | 85,000 00 | 1933 |
| Sewers (General) | 659 | 783 | 32,000 00 | 1933 |
| Lands | 655 | ... | 1,000 00 | 1933 |
| " | 658 | ... | 3,000 00 | 1933 |
| Parks | 683 | ... | 2,000 00 | 1934 |
| Miscellaneous | 728 | ... | 50,000 00 | 1934 |
| Telephone | 797 | ... | 18,000 00 | 1935 |
| Waterworks | 794 | ... | 112,000 00 | 1935 |
| Sewers (General) | 796 | 829 | 52,000 00 | 1935 |
| Power Development | 849 | ... | 18,000 00 | 1936 |
| " " | 848 | ... | 50,000 00 | 1936 |

| Purpose. | By-law No. | Amending By-law. | Amount. | Year Due. |
|---|---|---|---|---|
| Waterworks ..... | 845 | 870 | $50,000 00 | 1936 |
| Sewers (General) ..... | 846 | ... | 24,000 00 | 1936 |
| Parks ..... | 853 | ... | 5,000 00 | 1936 |
| Electric Railway ..... | 12 | ... | 55,000 00 | 1937 |
| " " ..... | 15 | ... | 18,000 00 | 1937 |
| Power Development .... | 8 | ... | 60,000 00 | 1937 |
| Waterworks ..... | 10 | ... | 253,000 00 | 1937 |
| Schools ..... | 907 | ... | 70,000 00 | 1937 |
| Parks ..... | 13 | ... | 3,500 00 | 1937 |

CHAPTER

## CHAPTER 119.

### An Act respecting the Town of Renfrew.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the Town of Renfrew has by Petition represented that By-law number 532 of the said Town set out in Schedule "A" hereto was duly submitted to the ratepayers of the said Town properly qualified to vote thereon on the tenth day of May, A.D. 1911, as required by *The Consolidated Municipal Act, 1903*, and amendments thereto, whereupon out of the property owners entitled to vote on said By-law, 250 voted for and 66 against said By-law; and that on the twenty-second day of May, 1911, said By-law was given its third reading and finally passed by the Municipal Council of the said Town; and whereas the Corporation of the Town of Renfrew has by petition represented that By-law number 552 of the said Town set out in Schedule "B" hereto was duly submitted to the ratepayers of the said Town properly qualified to vote thereon on the first day of January, A.D. 1912, as required by *The Consolidated Municipal Act, 1903*, and amendments thereto, whereupon out of the property owners entitled to vote on said By-law, 150 voted for and 31 against said By-law; and that on the eighth day of January, A.D. 1912, said By-law was given its third reading and finally passed by the Municipal Council of the said Town; and whereas the amount of the rateable property of the said Corporation according to the last revised Assessment Roll is $1,414,179.00; and the existing debenture debts of the said Corporation, inclusive of Local Improvement Debenture Debts secured by special assessments therefor, and of $117,000 issued for development of water and electric power, now amount to the sum of $345,268.00, and no part of the principal or interest thereof is in arrears; and whereas the said Corporation has by its petition prayed that the said By-law be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos 532 and 552 confirmed.

1. By-laws number 532 and number 552 of the Corporation of the Town of Renfrew as set out in Schedules "A" and "B" hereto, are, each of them, hereby ratified and confirmed and declared to be legal, valid and binding on the said Corporation, and on the ratepayers thereof; and the said Corporation is hereby declared to be and to have been since the final passing of said By-laws, authorized and empowered to do all necessary and proper acts for the full and effectual carrying out of the objects of the said By-laws, and the debentures issued or to be issued thereunder are declared to be legal, valid and binding on the said Corporation and the ratepayers thereof.

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SCHEDULE "A."

BY-LAW No. 532.

A By-law to raise by way of loan the sum of $25,000.00 for the purpose of repaying to the Merchants' Bank of Canada, Renfrew, the amount of overdraft under the head of Local Improvements and on General Account and to authorize the issue of Debentures therefor.

Whereas between the years 1902 and 1909 inclusive various Local Improvements works were undertaken by the Municipal Council of the Town of Renfrew under different Local Improvement By-laws;

And whereas the necessary By-laws for the performance of the said works were duly passed by the Municipal Council of the Town of Renfrew;

And whereas the amounts which were expended upon the said works in some cases exceeded the amounts provided for under the said By-law;

And whereas in many instances the Debentures authorized to be issued under the said various By-laws were not sold for some years after the said By-laws were passed and when so sold did not realize a sufficient amount to pay for the works performed under the said By-law;

And whereas certain other monies were expended from time to time on Local Improvements in the said Town of Renfrew;

And whereas the monies required to make up the deficiencies from time to time were drawn from Local Improvement Accounts of the said Municipal Corporation of the Town of Renfrew in the Merchants' Bank of Canada, Renfrew;

And

And whereas the amount of the overdraft from the said Local Improvement Account at the said Merchants' Bank of Canada, Renfrew, now amounts to the sum of $20,000.00.

And whereas certain other monies amounting in all to about $5,000.00 have been expended by the Municipal Council of the Town of Renfrew from time to time and have not been sufficiently provided for in the yearly levies;

And whereas the said sum of $5,000.00 was borrowed from the Merchants' Bank of Canada, Renfrew, and is still due and owing to the said Bank;

And whereas the Bank requires that the said sum of $20,000.00 overdraft on Local Improvements Account and the said sum of $5,000.00 borrowed as aforesaid be repaid;

And whereas it is necessary to raise the sum of $25,000.00 for the purpose of repaying the said Merchants' Bank of Canada the amount of the said overdrafts and to borrow the same on the credit of the said Town of Renfrew payable as hereinafter provided;

And whereas for the repayment of the said sum of $25,000.00 it is proposed to issue Debentures of the said Town payable with interest at the rate of five per cent. per annum in twenty annual instalments such that the aggregate amount payable for principal and interest in any one year of the said twenty years shall be equal as nearly as may be to what is payable for principal and interest in each one of the other years of such period.

And whereas the total sum required to be raised annually by special rate during the said period of twenty years for paying the said debentures and interest is the sum of $2,006.06;

And whereas the amount of whole rateable property of the said Municipality according to the last revised assessment roll being for the year 1910 is $1,343,480.00;

And whereas the amount of existing Debenture debt of the said Town of Renfrew is the sum of $236,354.00;

Be it therefore enacted and it is hereby enacted by the Municipal Council of the said Town of Renfrew:

1. That it shall be lawful for the Mayor of the said Town of Renfrew to raise by way of loan from any person or persons, body or bodies corporate who may be willing to advance the same upon the credit hereinafter mentioned a sum not exceeding in the whole the sum of $25,000.00, and to cause the same to be paid into the hands of the Treasurer, for the purposes and with the objects above recited and for no other.

2. It shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and instructed to sign and issue the said Debentures hereby authorized to be issued and to cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized to attach the seal of the said Municipality to the said Debentures.

3. The said Debentures both as to principal and interest shall be payable at the Agency of the Merchants' Bank of Canada, Renfrew, and shall be dated the 22nd day of May, A.D. 1911.

4. The Debentures shall be for the sum of $2,006.06 each and shall be payable in each year for the period of twenty years after the date of the final passing of this By-law.

5. That for the purpose of paying the said Debentures and interest on same during the currency thereof, the sum of $2,006.06 shall be raised annually and levied in the same manner and at the same time as the taxes are levied by a special rate over and above all other rates upon the whole rateable property in the said Town of Renfrew in each year for the period of twenty (20) years after the date of the final passing of this By-law and during the period which the said Debentures have to run, and the said sum of $2,006.06 shall in each year be appropriated to the payments of the said Debentures and interest as follows:

| Year. | Interest. | Debenture. | Total Amount. |
|---|---|---|---|
| 1912 | $1,250 00 | $756 06 | $2,006 06 |
| 1913 | 1,212 19 | 793 87 | 2,006 06 |
| 1914 | 1,172 50 | 833 56 | 2,006 06 |
| 1915 | 1,130 82 | 875 24 | 2,006 06 |
| 1916 | 1,087 06 | 919 00 | 2,006 06 |
| 1917 | 1,041 11 | 964 95 | 2,006 06 |
| 1918 | 992 86 | 1,013 20 | 2,006 06 |
| 1919 | 942 20 | 1,063 86 | 2,006 06 |
| 1920 | 889 00 | 1,117 06 | 2,006 06 |
| 1921 | 833 16 | 1,172 90 | 2,006 06 |
| 1922 | 774 51 | 1,231 55 | 2,006 06 |
| 1923 | 712 93 | 1,293 13 | 2,006 06 |
| 1924 | 648 28 | 1,357 78 | 2,006 06 |
| 1925 | 580 39 | 1,425 67 | 2,006 06 |
| 1926 | 509 10 | 1,496 96 | 2,006 06 |
| 1927 | 434 26 | 1,571 80 | 2,006 06 |
| 1928 | 355 67 | 1,650 39 | 2,006 06 |
| 1929 | 273 15 | 1,732 91 | 2,006 06 |
| 1930 | 186 50 | 1,819 56 | 2,006 06 |
| 1931 | 95 50 | 1,910 56 | 2,006 06 |

That this By-law shall take effect on the 22nd day of May, 1911.

That the vote of the electors of the said Municipality shall be taken on this By-law on the 10th day of May, 1911, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon on the said day at the following polling places in the said Town:

North Ward at or near the Hose Reel House, Bridge Street, by C. K. Grigg, Deputy Returning Officer.

Centre Ward, at or near the Council Chambers, by A. T. Lawson, Deputy Returning Officer.

South Ward, at or near the Old Town Hall, by John Devine, Deputy Returning Officer.

That on the 8th day of May, 1911, at the hour of ten o'clock in the forenoon at the Council Chamber in the said Town of Renfrew shall be the time and place when and at which persons will be appointed by the Mayor to attend at the said respective polling places and at the final summing up of the votes by the Clerk of the said Municipality on behalf of the persons interested in promoting or opposing the By-law respectively.

That the Clerk of the said Municipality shall on the 11th day of May, 1911, at the hour of ten o'clock in the forenoon at the Council Chamber in the said Town of Renfrew sum up the number of votes for and against this By-law.

It will be finally considered in Council on the 22nd day of May, A.D. 1911.

(Signed) N. McCORMACK,
*Mayor.*

Seal.

(Signed) A. T. LAWSON,
*Clerk-Treasurer.*

SCHEDULE

SCHEDULE "B."

BY-LAW No. 552

For the purpose of raising by way of Debentures the additional sum of $60,000.00, for the development of a larger and more economical Water Power, with Electric Power and Steam Power Auxiliaries, for the purpose of Water Works System of the Town of Renfrew, as well as to supply power, if at any time necessary or desirable, for the lighting of the town, and for the distribution of electricity for manufacturing purposes, as shown on Schedule "B," hereto attached.

Whereas by By-law Number 486 of the Town of Renfrew it was provided that the sum of $82,000 should be raised on Debentures for the purpose above mentioned;

And whereas during the construction of the said work it has been found that an additional 100 to 300 horse-power could be developed, and the development of such additional power would make the costs proportionately greater;

And whereas it is expedient that the additional power should be developed;

And whereas, by reason of unforeseen difficulties in the construction and a shortage of labor, the work of construction has taken a longer period than was contemplated;

And whereas, by reason of such delay in construction, no revenue has yet been obtained from the undertaking, and eighteen months' interest will have to be paid out of the capital;

And whereas the additional development now proposed and the payment of the said interest will require the consent of the property holders for an additional expenditure of $60,000.00;

And whereas, for the purpose aforesaid, it will be necessary to borrow the said sum of $60,000.00 on the credit of the Municipality, to be raised by Debentures payable as hereinafter provided;

And whereas it is desirable to make the principal of the said debt repayable by annual instalments during the period of thirty years next after the issue of the Debentures therefor, such instalments of principal to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years, as shown in Schedule "A," hereto annexed;

And whereas it will be necessary to raise annually, for the period of thirty years during the currency of the Debentures to be issued hereafter, by a special rate sufficient therefor on all the rateable property of the Municipality, the sum of $3,903.09 for paying the several instalments of principal, and interest thereon at the rate of five per cent. per annum;

And whereas the amount of the whole rateable property of the said Town of Renfrew, according to the last revised assessment roll, being for the year 1911, is the sum of $1,414,179.00;

And whereas the existing Debenture debt of the said Town of Renfrew, exclusive of Local Improvement Debenture debt, secured by special estimates therefor, amounts to the sum of $279,065.00, and no part of the principal or interest thereof is in arrear;

Therefore

Therefore the Municipal Council of the Corporation of the Town of Renfrew enacts as follows:—

1. That it shall be lawful for the Mayor of the said Town, for the purposes aforesaid, to borrow on the credit of the Corporation of the Town of Renfrew the sum of $60,000.00, and to issue Debentures of the said Municipality to the amount of $60,000.00, in sums of not less than $100.00 each.

2. The said debt shall bear interest at the rate of five (5) per cent. per annum. The said Debentures issued therefor shall be dated the 1st day of January, 1912, and shall be payable in equal amounts in each of the thirty years next succeeding the said date, such amounts being made up of the aggregate amount due each year on account of principal and interest, as shown in Schedule "A," hereto annexed.

3. The said Debentures as to principal and interest shall be payable at the agency of the Bank of Ottawa, in Renfrew, and shall be dated on the 1st day of January, 1912.

4. That it shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and instructed to sign and issue the said Debentures, and to cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said Debentures.

5. That for the purpose of paying the said Debentures, the sum of $3,903.09 shall be raised annually and levied in the same manner, and at the same time as the taxes are levied, by special rate over and above the other rates upon the whole rateable property in the said Town of Renfrew, in each year for the period of thirty years after the date of the final passing of this By-law and during the period which the said Debentures have to run, and the said sum of $3,903.09 shall in each year be appropriated to the payment of the said Debentures, as shown in Schedule "A," hereto annexed.

6. This By-law shall go into force and take effect on the date of the final passing thereof.

7. The votes of the Electors of the said Municipality qualified to vote on the present By-law shall be taken on the 1st day of January, 1912, commencing at nine o'clock in the forenoon, until five o'clock in the afternoon, at the following places within the said Municipality:—

In the South Ward, at or near the Old Town Hall, Hall Street; John Devine, Deputy Returning Officer.

In the Centre Ward, at or near the Council Chambers, Main Street; A. T. Lawson, Deputy Returning Officer.

In the North Ward, at or near No. 2 Hose Reel House, Bridge Street; C. K. Grigg, Deputy Returning Officer.

8. On Saturday, the 23rd day of December, 1911, at the hour of two o'clock in the afternoon, at the office of the Clerk of the said Town of Renfrew, on Raglan Street, the Mayor shall appoint in writing two persons to attend the final summing up of the votes by the Clerk, and one person to attend the poll at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and one person on behalf of the persons interested in and desirous of opposing the passing of this By-law.

9. The Clerk of the Municipal Council of the said Town shall attend at his office on Raglan Street, in the said Town, at 12 o'clock

noon

noon, on Tuesday, the 2nd day of January, 1912, to sum up the number of votes given for and against this By-law.

Dated the 11th day of December, 1911.

N. McCormack,
*Mayor.*

Seal.

A. T. Lawson,
*Clerk.*

*Schedule A.*

| Date. | Interest. | Principal. | Total. |
|---|---|---|---|
| 1913 | $3,000 00 | $903 09 | $3,903 09 |
| 1914 | 2,954 85 | 948 24 | 3,903 09 |
| 1915 | 2,907 44 | 995 65 | 3,903 09 |
| 1916 | 2,857 65 | 1,045 44 | 3,903 09 |
| 1917 | 2,805 38 | 1,097 71 | 3,903 09 |
| 1918 | 2,750 50 | 1,152 59 | 3,903 09 |
| 1919 | 2,692 87 | 1,210 23 | 3,903 09 |
| 1920 | 2,632 36 | 1,270 73 | 3,903 09 |
| 1921 | 2,568 82 | 1,334 27 | 3,903 09 |
| 1922 | 2,502 11 | 1,400 98 | 3,903 09 |
| 1923 | 2,432 06 | 1,471 03 | 3,903 09 |
| 1924 | 2,358 50 | 1,544 59 | 3,903 09 |
| 1925 | 2,281 27 | 1,621 82 | 3,903 09 |
| 1926 | 2,200 19 | 1,702 90 | 3,903 09 |
| 1927 | 2,115 04 | 1,788 05 | 3,903 09 |
| 1928 | 2,025 64 | 1,877 45 | 3,903 09 |
| 1929 | 1,931 77 | 1,971 32 | 3,903 09 |
| 1930 | 1,833 20 | 2,069 89 | 3,903 09 |
| 1931 | 1,729 70 | 2,173 39 | 3,903 09 |
| 1932 | 1,621 03 | 2,282 06 | 3,903 09 |
| 1933 | 1,506 93 | 2,396 16 | 3,903 09 |
| 1934 | 1,387 12 | 2,515 97 | 3,903 09 |
| 1935 | 1,261 33 | 2,641 76 | 3,903 09 |
| 1936 | 1,129 24 | 2,773 85 | 3,903 09 |
| 1937 | 990 54 | 2,912 55 | 3,903 09 |
| 1938 | 844 92 | 3,058 17 | 3,903 09 |
| 1939 | 692 01 | 3,211 08 | 3,903 09 |
| 1940 | 531 45 | 3,371 64 | 3,903 09 |
| 1941 | 362 87 | 3,540 22 | 3,903 09 |
| 1942 | 185 86 | 3,717 23 | 3,903 09 |

*Schedule B.*

| | |
|---|---|
| To pay Logan Co. and Knitting Co., for Water Privileges. | $15,000 00 |
| To complete construction of Power House, Wing, Walls, Generators, etc. | 25,000 00 |
| For Water Works Turbine Pump and Wheel, removal of Boilers, Filters, Generators, etc. | 9,000 00 |
| To pay Debentures half of Principal and Interest for one year and a half | 11,000 00 |
| | $60,000 00 |

CHAPTER

# CHAPTER 120.

## An Act to confirm By-law No. 775 of the Town of Sarnia.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The H. Mueller Manufacturing Company and the Municipal Corporation of the Town of Sarnia have petitioned, praying that an Act may be passed to legalize, ratify and confirm By-law No. 775, of the said Town of Sarnia, finally passed on the 5th day of February, 1912, intituled "A By-law to raise the sum of $20,000 to be granted to the H. Mueller Manufacturing Company by way of bonus, and the further sum of $10,000 to be hereafter granted to the said Company by way of bonus as herein provided, and to fix the assessment of such Company," and set out as Schedule "A" hereto; and whereas the said by-law was, on the first day of January, 1912, submitted to the vote of the electors of the Town of Sarnia for their approval, pursuant to the provisions of *The Consolidated Municipal Act, 1903,* and amendments thereto, when out of 2,081 electors entitled to vote, 1,404 voted for the By-law and 96 against the By-law; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 775 of Town of Sarnia confirmed.

**1.** Subject to sections 2 and 3, By-law No. 775, of the Municipal Corporation of the Town of Sarnia, set out as Schedule "A" hereto, is confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, and upon the said Company, and the said Corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-law.

By-law to apply to certain land when annexed.

**2.** The provisions of the said By-law No. 775 shall extend and apply to such parts of Lots 41, 42, 43 and 44 in the Front Concession of the River Range of the Sarnia Indian

Indian Reserve as may hereafter be annexed to the said Town of Sarnia in all respects as if the said Lots formed part of the said Town at the date of the passing of the said by-law.

Payment of school taxes.

**3.** Nothing contained in the said By-law shall affect taxes for school purposes, but the whole amount of such taxes reckoned on the full assessable value of the property of the Company under *The Assessment Act* shall be paid out of the aggregate rates of the Corporation levied on the assessment provided for by the said By-law, and if in any year such aggregate rates so levied do not produce an amount sufficient to pay in full taxes for school purposes so reckoned, the Company shall pay the deficiency.

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SCHEDULE "A."

By-Law No. 775.

A By-law to raise the sum of twenty thousand dollars to be granted to the H. Mueller Manufacturing Company by way of bonus, and the further sum of ten thousand dollars to be hereafter granted to the said Company by way of bonus as herein provided, and to fix the assessment of such Company.

Whereas the H. Mueller Manufacturing Company, of Decatur, Illinois, one of the United States of America, have proposed to the Corporation of the Town of Sarnia to establish and operate a manufactory for the making of waterworks and plumbers' brass goods and other metal products at the Town of Sarnia, and to expend upon the erection and equipment of such manufactory not less than one hundred thousand dollars, and to employ in such manufactory at least seventy-five employees from the commencement of its operation, and thereafter keep the same continuously employed during labouring days, and except as hereinafter specified, for at least ten years from the time of such commencement, upon payment by the Corporation of the Town of Sarnia to the said Company by way of bonus of the sum of twenty thousand dollars, such payment to be made upon the completion of the manufactory and equipment hereinbefore referred to, and the same being ready to operate by the Company and the further sum of ten thousand dollars as hereinafter provided; and upon the said Corporation fixing the assessment of the Company for a period of twenty years from the date of this By-law as hereinafter provided;

And whereas it is deemed desirable to grant the said aid to the Company upon the terms and conditions in this By-law set forth;

And whereas for the raising of the said sum of thirty thousand dollars for the said purposes, the Council of the Corporation of the Town of Sarnia do intend by this By-law to create a debt upon the said Corporation of thirty thousand dollars with interest thereon at the rate of five per cent. per annum, payable in twenty equal

annual instalments by issue of debentures to the extent of forty-eight thousand one hundred and forty-five dollars and forty cents, being the said sum of thirty thousand dollars and interest on the unpaid principal;

And whereas it is desirable, and the Municipal Council of the Corporation of the Town of Sarnia have determined to issue the debentures at one time and make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of such debentures, such yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest computed on the unpaid principal at the rate of five per cent. per annum shall be, as nearly as possible, equal to the amount so payable in each of the other nineteen years of said period as shown in the Schedule hereinafter contained;

And whereas the whole ratable property of the Town of Sarnia, according to the last revised assessment roll for said Town amounts to $4,926,741.00;

And whereas the present existing debt of the said Town secured by debentures is the sum of $709,261.18, and no part of the said sum or interest thereon is in arrear:

And whereas for paying off the said principal sum of thirty thousand dollars and interest, it will be necessary to raise in the several years hereinafter mentioned, the following sums, namely:

| Year. | Principal. | Interest. | Total. |
|---|---|---|---|
| 1912 | $ 907 27 | $1,500 00 | $2,407 27 |
| 1913 | 952 65 | 1,454 62 | 2,407 27 |
| 1914 | 1,000 27 | 1,407 00 | 2,407 27 |
| 1915 | 1,050 28 | 1,356 99 | 2,407 27 |
| 1916 | 1,102 80 | 1,304 47 | 2,407 27 |
| 1917 | 1,157 95 | 1,249 32 | 2,407 27 |
| 1918 | 1,215 85 | 1,191 42 | 2,407 27 |
| 1919 | 1,276 63 | 1,130 64 | 2,407 27 |
| 1920 | 1,340 45 | 1,066 82 | 2,407 27 |
| 1921 | 1,407 47 | 999 80 | 2,407 27 |
| 1922 | 1,477 85 | 929 42 | 2,407 27 |
| 1923 | 1,551 75 | 855 52 | 2,407 27 |
| 1924 | 1,629 35 | 777 92 | 2,407 27 |
| 1925 | 1,710 80 | 696 47 | 2,407 27 |
| 1926 | 1,796 35 | 610 92 | 2,407 27 |
| 1927 | 1,886 18 | 521 09 | 2,407 27 |
| 1928 | 1,980 47 | 426 80 | 2,407 27 |
| 1929 | 2,079 50 | 327 77 | 2,407 27 |
| 1930 | 2,183 48 | 223 79 | 2,407 27 |
| 1931 | 2,292 65 | 114 62 | 2,407 27 |
| | $30,000 00 | $18,145 40 | $48,145 40 |

being the aggregate amount for principal and interest to be paid in each and every year according to the Statute in such cases made and provided.

Now, therefore, the Municipal Council of the Corporation of the Town of Sarnia enacts as follows:—

1. That the sum of twenty thousand dollars of the amount to be raised under this By-law be paid to the said Company by way of bonus upon the Company having completed and ready to operate a manufactory in the Town of Sarnia, and upon satisfactory vouchers

being

being furnished by the Company, showing the expenditures by the Company for lands, buildings, machinery, tools, etc., to have amounted to at least $100,000.00, and that the assessment of the said Company for all purposes, including business assessment, be fixed at a value not exceeding the fair cash purchase value of the lands only, which may be acquired by the Company for the purpose of its manufactory, and that such assessment shall continue unchanged for a period of twenty years, from the date of the final passing of this By-law, upon so much only of the said lands and premises as shall be used in the business of the Company or held by the Company for the purposes of its business and not for any other purposes, and that any lands hereafter acquired by the Company for the purposes of its business shall so long as the same are so used or held, be assessed for all purposes and including all buildings, improvements or personal property thereon, and including business assessment, be assessed a sum not greater than the fair cash purchase value of the same at the time of the acquirement of the said lands by the Company, and such fixed assessment shall continue from the date of said acquirement until twenty years from the date of the final passing of this By-law, but not beyond the said period of twenty years.

2. That the said sum of ten thousand dollars, being the balance of the amount to be raised under this By-law be paid to the said Company by way of bonus upon demand, and when, and as soon as the Company shall regularly employ within the Town of Sarnia, one hundred and fifty men regularly employed in the business of the Company, working in and for the said factory.

3. That the said Company shall not be entitled to any of the benefits in this By-law provided, unless and until the following stipulations and conditions have been fully complied with by the said Company, namely:—

(1) That the Company shall begin building operations within a reasonable time, not exceeding five months after the final passing of this By-law and its approval by the Legislature of Ontario, if necessary, and that the Company shall continue such building operations, unless unavoidably delayed by general business depression, strikes, fire, industrial disputes, the Act of God or the King's enemies.

(2) That the Company shall execute and deliver to the Town of Sarnia a binding agreement, providing that the Company shall, after the completion of its factory employ and continue to employ in the operation of its said manufactory, at least seventy-five employees from the date of the completion of the factory, ready to operate, and thereafter continuously during all labouring days, unless prevented by any of the causes hereinbefore referred to, for a period of ten years from the date of this By-law, all the employees to be, so far as possible, residents of the Town of Sarnia.

(3) That should the Company at any time during the period of ten years from the date of this By-law, cease to operate its factory at the Town of Sarnia aforesaid, for a period of more than six consecutive months, or continue for a like period to employ less than seventy-five men in the operation of its manufactory as aforesaid, in either case, without valid reason as hereinbefore specified, all exemptions and fixed assessments granted by the By-law shall cease during such cessation of operation or employment as aforesaid, and the property of the Company shall be liable to assessment and taxation as other property not exempted or not having a fixed assessment, and the Company shall repay to the Town such portion of the sum of twenty thousand dollars paid to it by the Town, as the unexpired portion of the term of ten years from the date of the By-law bears to the full period of ten years, together with interest at five per cent. from the beginning of such period, and if the second payment of the sum of ten thousand dollars herein

provided

provided for shall have been made during such period of ten years, then if the Company shall cease to employ one hundred and fifty men regularly in its business, without valid reason as aforesaid, and during such period of ten years, it shall repay to the Town such portion of the said sum of ten thousand dollars with interest at five per cent. from the date of payment of the said sum to the Company as the unexpired portion of the full period of ten years from the date of the By-law bears to the period between the payment of the said sum of ten thousand dollars to the Company and the expiration of the full period of ten years as aforesaid.

(4) That for the purpose of securing the repayment to the Town by the Company, of the moneys paid by way of bonus as hereinbefore provided, the Company shall before receiving any payment hereunder deliver to the Town a satisfactory bond, executed by the Company and such of the individual stockholders as the Town may require, and at the option of the Town by the Company, receiving the payment, and such of its stockholders as the Town may require.

(5) The said agreement shall provide that its provisions shall enure to the benefit of, and be binding on the successors and assigns of the respective parties thereto, and the monies to be paid by way of bonus under this By-law may be paid to the Company or its successors and assigns upon full performance of the obligations of the Company.

4. It shall, and may be lawful for the Mayor of the said Municipality for the purposes aforesaid, to borrow the sum of thirty thousand dollars and issue the debentures of the said municipality to the amount of forty-eight thousand one hundred and forty-five dollars and forty cents ($48,145.40), being the total amount of the sum authorized to be borrowed as aforesaid, and interest on the unpaid principal at the rate of five per cent per annum, in sums not less than one hundred dollars each, payable in the manner, for the amount and at the times respectively set forth in the above recitals to this By-law.

5. The said debentures shall be payable at the office of the Treasurer of the Town of Sarnia.

6. It shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and directed to sign and issue debentures hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said Municipality; and the Clerk of the said Municipality is hereby authorized and directed to attach the seal of the said Municipality to the said debentures.

7. The said debentures shall be payable on the 31st day of December in each of the twenty years hereinbefore mentioned.

8. There shall be raised and levied in each year, by special rate on all the rateable property in the said Municipality, a sum sufficient to discharge the said several instalments of principal and interest accruing, due on the said debentures as the same become respectively payable, according to the provisions of this By-law.

9. The said sum of thirty thousand dollars when raised, shall be expended for the purposes set forth in the recitals hereto, and only upon all the foregoing provisions and conditions, in respect to the same having been complied with.

10. This By-law shall come into force and take effect immediately after the final passing thereof and after the ratification therof by special Act of the Legislature of Ontario.

11. The votes of the ratepayers of the said Municipality, qualified to vote on money by-laws, shall be taken on this By-law in the

several

several subdivisions, appointed in said Town for election purposes, and polls will be held at the same hour, on the same day, and at the same place or places, and by the same Deputy Returning Officers as for the municipal elections of Mayor and Council of the Town of Sarnia for the year, A.D. 1912; all such votes shall be taken on the first day of January, A.D. 1912, at the several places named for the votes to be taken at such election, and the Clerk of the said Town shall on the second day of January, A.D. 1912, at the hour of noon, in the Council Chamber, in the Town Hall, in the said Town, sum up the number of votes for and against the said By-law, and on the thirtieth day of December, A.D. 1911, at the hour of noon, at the place last named, the Mayor of the said Town shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in, and desirous of promoting the passing of the By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

Provisionally passed and dated this fourth day of December, A.D. 1911.

Finally passed the fifth day of February, A.D. 1912.

(Sgd.) JOHN MCGIBBON,
Mayor.

(Seal.)

J. D. STEWART,
Clerk.

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# CHAPTER 121.

## An Act to Incorporate the City of Sault Ste Marie, and for other purposes.

*Assented to 16th April, 1912.*

Preamble

WHEREAS the Municipal Corporation of the Town of Sault Ste. Marie has, by petition, represented that the said town now has a population of over 11,000 inhabitants, and is rapidly increasing, and by reason of its geographical position and numerous industries established there the said town is now and will continue to be an important commercial and manufacturing centre; and whereas at the municipal election held on the 1st day of January, 1912, the question of incorporating the said Town of Sault Ste. Marie into a City, to be called the City of Sault Ste. Marie, was submitted to the electors of the said town for their approval thereto, and was carried by a large majority of the votes cast, nearly nine-tenths of those voting being in favor thereof; and whereas it has been deemed expedient by the said Council to have all sales of land for arrears of taxes within the said town held prior to December 31st, 1909, for which tax deeds have been issued by the said Corporation, validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of City of Sault Ste. Marie.

**1**. On and after the passing of this Act the said Town of Sault Ste. Marie shall be and is hereby incorporated as a City, and shall be known as "The Corporation of the City of Sault Ste. Marie," and as such shall enjoy and possess all the rights, powers and privileges of cities under *The Municipal Act*, as well as all the rights, powers and privileges heretofore possessed by the Corporation of the Town of Sault Ste. Marie.

**2.** Subject to the provisions of sub-section 2 of section 10 hereof, the present Mayor and Council of the said town shall be and continue to be the Mayor and Council of the said city, and shall hold office until the election of their successors, as provided by *The Municipal Act*, and shall exercise all the rights and powers and perform all the duties pertaining to the office of mayor and aldermen, respectively, of the city, and in the event of the death, resignation or disqualification of the said mayor or any member of the said Council, the vacancy so created shall be filled in the manner provided in *The Municipal Act* in case of such vacancies in cities. Present mayor and council to continue in office.

**3.** The City of Sault Ste. Marie shall in all manners whatsoever stand and be in the place and stead of the Town of Sault Ste. Marie, and all property of every kind, and all rights, interests, assets and effects, taxes, rates, dues, revenues, obligations and income now belonging to or accruing due to or which may be assessed for by the said town, shall pass, belong to and be the rights, property, assets, effects, taxes, revenues and obligations of the City of Sault Ste. Marie, and in the assessment for and collection of all the aforesaid property and revenues of every kind, the City of Sault Ste. Marie shall have as full power in its name to assess for, collect, demand and receive the same as the said town could have, and the said city shall assume and hereby assumes all bills, debts, debentures and liabilities of any and every kind now due or contracted or accruing due, or for which the said Town but for the passing of this Act would be liable, and the same shall and may be collected and sued for, from and against the City of Sault Ste. Marie in precisely the same manner, except in the change of name, as against the Town of Sault Ste. Marie; and all acts, matters and things whatsoever, which might be lawfully done by the Town of Sault Ste. Marie, and all matters begun or initiated by the said town may be completed by the said city, the meaning and intention hereof being that in all matters and things the said city shall be and stand in the place of the said town. Property, assets, obligations of town to pass to city.

**4.** The officers and servants of the said town shall, until superseded in or removed from office by the Council of the said city, remain the officers and servants of the said city. Officers and servants of town to continue.

**5.** The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and the other provisions of *The Municipal Act*, aforesaid, shall, except so far as is herein otherwise provided, apply to the said Corporation of the City of Sault Ste. Marie, in the same manner as if the said town had been erected into a city under the provisions of *The Municipal Act*. Application of 3 Edw. VII. c 19.

Qualification for any election in 1912.

**6.** At any election or in voting on by-laws in the said city, held prior to December 1st, 1912, the qualifications of the electors, mayor, aldermen and school trustees shall be the same as required in towns.

Assessment rolls and voters' lists.

**7.** The last revised assessment roll and voters' list of the said town shall be taken to be the assessment roll and voters' list, respectively, of the said city, to the same extent as if the same had been made by the said city.

By-laws, etc., of town to continue in force.

**8.** All by-laws and municipal regulations, except so far as they are inconsistent herewith, which are in force in the Town of Sault Ste. Marie, shall continue and be in force as if they had been passed by the Corporation of the City of Sault Ste. Marie, and shall extend to and have full effect within the limits of the city hereby incorporated, until repealed by the new Corporation.

Acts relating to town to apply to city.

**9.** All provisions of law relating to the Town of Sault Ste. Marie, not inconsistent with this Act, shall apply to the City of Sault Ste. Marie and the land within the limits of the said city, or hereafter included therein.

Council—how composed.

**10.**—(1) Subject to the provisions of sub-section 2 of this section, the Council of the said city for the year 1913, and for each subsequent year, shall consist of a mayor and eight aldermen, to be elected by a general vote, as provided by *The Municipal Act.*

Power to increase number of aldermen.

(2) Whenever on or before the 15th day of December in any year it has been ascertained by any general census, or by any census which may be taken by the assessor or under a by-law taken by the municipality for that purpose, that the said city contains over 15,000 inhabitants, then, at the next annual municipal election the Council of the said city shall consist of a mayor and ten aldermen, who shall be elected by a general vote, as provided by *The Municipal Act.*

To form part of Algoma for judicial purposes.

**11.** The City of Sault Ste. Marie shall be, remain and form part of the District of Algoma for judicial purposes.

Tax sales and deeds confirmed.

**12.**—(1) All sales of land within the Town of Sault Ste. Marie made prior to December 31st, 1909, which purport to be made by the Corporation of the said town for arrears of taxes in respect to lands so sold, for which tax deeds have been issued by the said Corporation, are hereby validated and confirmed, and all deeds of land so sold, executed by the mayor and treasurer of the said town, purporting to convey the said lands so sold, to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall have

the

the effect of vesting the lands so sold or conveyed, or purported to be sold or conveyed, and the same are hereby vested in the purchaser or his assigns, and his and their heirs and assigns in fee simple, free and clear of and from all title or interest whatsoever of the owner or owners thereof at the time of such sale, or his or their assigns, and all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

Case of town purchasing.

(2) Sub-section 1 of this section shall extend and apply to cases where the said town or any person or persons in trust for it, or on its behalf, became the purchaser of lands at any such tax sale.

Pending litigation not affected.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon and in the same manner and as fully and effectually as if this Act had not been passed.

Submission of questions as to annexation of Moffly subdivision.

**13.**—(1) The council of the Township of Tarentorus shall pass a by-law on or before the 15th day of June, 1912, providing for submitting on the 2nd day of July, 1912, to a vote of the freeholders of the Southerly 102 acres of section No. 31 of the said township known as the Moffly Subdivision the following questions:

Are you in favour of the Moffly Subdivision being annexed to the City of Sault Ste. Marie?

Are you in favour of the Moffly Subdivision being annexed to the Town of Steelton?

(2) The clerk of the said township shall be the returning officer for the taking of the vote and shall prepare from the last revised assessment roll of the township a list of the persons entitled to vote on the questions.

(3) The clerk shall forthwith after the taking of the vote certify the result of the vote to the Ontario Railway and Municipal Board and the Board shall annex the said land to that municipality in favour of annexation to which the larger number of freeholders voted, on such terms and conditions as may have been agreed upon by the township and the other municipality or in default of agreement as shall be determined by the Board.

(4) The expenses of taking the vote shall be paid in the first instance by the Township of Tarentorus and shall be repaid to it by the Municipality to which the land is annexed.

(5)

(5) Save as herein otherwise provided and except that it shall not be necessary to publish the by-law providing for the taking of the said vote, the provisions of *The Municipal Act* as to submitting a question to the electors shall apply to the taking of the said vote.

Arrears of taxes in land annexed.

**14.** If the land is annexed to the City of Sault Ste. Marie all arrears of taxes on the lands in the said Moffly subdivision shall continue to belong to the said Township of Tarentorus, but the treasurer of the said city shall have authority to collect such arrears, and on collection thereof shall pay same to the treasurer of Tarentorus, less any charges or expenses incurred by him in connection with said collection, but all taxes levied on the said lands from and after the 1st day of January, 1912, shall belong wholly to the said City of Sault Ste. Marie.

Assessment of land in Moffly subdivision.

**15.**—(1) If an assessment has, before such annexation takes effect, been made for the purpose of levying taxes by the Corporation of the Township of Tarentorus in said Moffly Subdivision, the same shall (subject to appeal therefrom by ratepayers to the Court of Revision and to the District Judge) be and continue to be the assessment for the said Moffly Sub-division and the ratepayers therein for the year 1912.

(2) If no assessment aforesaid has been made by the Corporation of the Township of Tarentorus before such annexation takes effect, the Corporation of the City of Sault Ste. Marie may cause an assessment to be made in said Moffly Subdivision upon which the taxes for the year 1912 may be levied.

(3) Any By-law passed before or after such annexation takes effect by the Corporation of the Town or City of Sault Ste. Marie for the levying of taxes in the said town or city shall apply to the said Moffly Sub-division and the ratepayers thereof, and the said taxes shall be levied on the respective assessments in the said Moffly Sub-division as finally revised.

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CHAPTER

# CHAPTER 122.

## An Act to confirm a By-law of the Town of Sault Ste. Marie.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Lake Superior Paper Company, Limited, has commenced the construction of a paper mill within the limits of the Town of Sault Ste. Marie, having a capacity of one hundred (100) tons of paper per day, and has agreed, in consideration of certain exemption from taxation (save for school taxes and a fixed assessment for taxation for school purposes), to increase the capacity of the said paper mill to two hundred (200) tons of paper per day; and whereas the construction and operation of such mill having such increased capacity will be beneficial to the ratepayers and citizens in general of the said town; and whereas the agreement marked as Schedule "B" hereto has been entered into by the Council of the said town and the said Lake Superior Paper Company, Limited, and a by-law authorizing the execution thereof by the said Corporation was submitted by the Council of the said Corporation to the qualified ratepayers for their assent thereto, when out of 1,492 ratepayers entitled to vote, 892 voted for, and 91 against the by-law; and whereas the said Corporation has petitioned praying that an Act may be passed to ratify and confirm the said by-law and agreement; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Confirmation of by-law and agreement.

**1.**—(1) Subject to the provisions of subsection 2, By-law No. 672, of the Town of Sault Ste. Marie, set out as Schedule "A" hereto, and the agreement referred to in the said by-law as agreement marked "A," and set out in Schedule "B" hereto, are hereby ratified and confirmed and declared to be legal and binding upon the parties thereto; and the said Town of

of Sault Ste. Marie is hereby authorized and empowered to do all necessary and proper acts for the full and proper carrying out of the said by-law and agreement.

(2) Notwithstanding anything contained in the said by-law or agreement, the land and property of the said Company shall for school purposes after the 31st day of December, 1924, be assessed and liable to taxation in all respects, as if the by-law had not been passed or the agreement made.

Exemption from taxation

**2.** Subject to the provisions contained in the said agreement, the lands and properties of the said Lake Superior Paper Company, Limited, within the limits of the said Town of Sault Ste. Marie, set forth in the said agreement, are hereby declared exempt from general taxes, except for school purposes until December 31st, 1931.

SCHEDULE "A."

By-law No. 672.

Of the Town of Sault Ste. Marie.

A By-law to authorize the execution of a certain proposed agreement between the Corporation of the Town of Sault Ste. Marie and The Lake Superior Paper Company, Limited.

Whereas The Lake Superior Paper Company, Limited, have commenced the erection of a Paper Mill within the limits of the Town of Sault Ste. Marie, and have agreed in consideration of certain exemption from general taxation and a fixed assessment for taxation for school purposes, to make further expenditures and enlarge the capacity of the said mill and increase the number to be employed by it, both in the said works and in works tributary thereto;

And whereas the lands occupied by the said Company in the said Town of Sault Ste. Marie were formerly owned by The Lake Superior Power Company;

And whereas doubt has arisen whether the said lands are included in the lands covered by the Agreement between the said Town of Sault Ste. Marie and The Lake Superior Power Company and other Companies, dated July 6th, 1900, being Schedule "B" to Ontario Statute, 1 Edward VII., Chapter 71, whereby the lands and properties owned by the said Companies were to pay a specific tax of $5,000.00 per year for a period of nine (9) years from the first day of January, 1900, and the sum of $7,500.00 per year for a period of sixteen (16) years from the first day of January, 1909;

And whereas it has been agreed by the Council of the said Town that the period of exemption from said taxation shall be twenty (20) years from the first day of January, 1912, on the terms and conditions set out in the agreement marked Schedule "A" hereto;

And whereas the said Council deem it expedient to submit the said agreement embodied in the proposed By-law to authorize the execution thereof, to a vote of the electors of the said Town;

And whereas, according to the last revised Assessment Roll of the said Town, being that for the year 1911, the amount of the whole rateable property of the Town of Sault Ste. Marie is $5,967,764.00;

And whereas the existing debenture debt of the said Town, including the debt for local improvements, is $727,389.00, and no principal or interest on same is in arrear;

Therefore

Therefore the Municipal Council of the Town of Sault Ste. Marie enacts as follows:

1. That it shall and may be lawful for the Mayor and the Clerk of the Town of Sault Ste. Marie, and they are hereby authorized and empowered for and on behalf of the Corporation of the Town of Sault Ste. Marie and under the Corporate Seal of the said Town, to execute a certain proposed Agreement hereto annexed marked "A" which Agreement is incorporated with and forms a part of this By-law.

2. This By-law shall come into force and take effect on, from and after the final passing thereof.

And whereas this By-law requires the assent of the qualified ratepayers, as required by law;

And whereas it is necessary to appoint a time and place for taking the poll of the electors on the said By-law;

Be it further enacted that the votes of the electors, being ratepayers qualified to vote on money by-laws, shall be taken on Saturday, the 24th day of February, 1912, by the Deputy Returning Officers hereinafter named, who are hereby appointed Deputy Returning Officers, commencing at nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day, at the under-mentioned places, namely:

Polling Subdivision No. 1.—New Ontario Boarding House, Pim Street, D. Cameron, Deputy Returning Officer.

Polling Subdivision No. 2.—J. Ward's House, 67 Laird Street, J. B. Cunningham, Deputy Returning Officer.

Polling Subdivision No. 3.—James Gascoigne's Store, Bruce Street, Jas. Gascoigne, Deputy Returning Officer.

Polling Subdivision No. 4.—Council Chambers, Municipal Building, Albert Carney, Deputy Returning Officer.

Polling Subdivision No. 5.—Calder & McKinnon's Office, Queen Street, Wm. Calder, Deputy Returning Officer.

Polling Subdivision No. 6.—"Sault Star," Queen Street, D. W. Gemmill, Deputy Returning Officer.

Polling Subdivision No. 7.—Edwards' Bicycle Shop, Queen Street, Wm. Hallam, Deputy Returning Officer.

Polling Subdivision No. 8.—F. E. Crawford's Office, Queen Street, F. E. Crawford, Deputy Returning Officer.

Polling Subdivision No. 9.—George Valente's Store, Superior Street, Wm. Rossiter, Deputy Returning Officer.

That on Thursday, the 22nd day of February, 1912, at his Office in the Municipal Buildings, in the Town of Sault Ste. Marie, at the hour of ten o'clock in the forenoon, the Mayor shall appoint, in writing, signed by himself, two persons to attend at the final summing-up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

The Clerk of the said Town shall attend at the Council Chambers of the said Town at eleven o'clock in the forenoon on Monday, the 26th day of February, 1912, to sum up the number of votes given for and against this By-law.

Provided the assent of a sufficient number of the duly qualified ratepayers is obtained to this By-law, the said Council shall finally consider the same within six weeks thereafter.

Read

Read a first and second time this first day of February, 1912.

C. J. PIM,
*Clerk.*

Read a third time and finally passed in open Council this 4th day of March, 1912.

W. H. MUNRO,
*Mayor.*

C. J. PIM,
*Clerk.*

SCHEDULE "B."

This agreement made in duplicate this 31st day of January, A.D. 1912.

Between:

The Corporation of the Town of Sault Ste. Marie, hereinafter called "The Corporation" of the First Part,

and

Lake Superior Paper Company, Limited, hereinafter called "The Company" of the Second Part.

Whereas the Company now has in course of construction at the said Town of Sault Ste. Marie a mill for manufacturing paper of a daily capacity of one hundred tons (100) of paper and has agreed to increase the daily capacity of said mill to approximately two hundred tons (200) of paper, and to employ twelve hundred (1,200) additional operatives in connection with the operations of said Company on the terms and conditions and subject to the agreements and stipulations hereinafter set out.

Now therefore this agreement witnesseth that in consideration of the premises and of the covenants hereinafter reserved and contained on the part of the respective parties hereto, the said parties hereby covenant, promise and agree each to and with the other in manner following, that is to say:

1. When and so soon as a by-law of the Corporation has been duly passed authorizing the execution of this agreement by the Corporation and the same has become legal, valid and binding upon the Corporation, the Company will proceed to construct and complete, or where in course of construction, will complete or will cause to be constructed and completed on or before 31st December, 1913, within the limits of the said Town of Sault Ste. Marie a mill for the manufacture of paper, which mill shall have a daily capacity of approximately two hundred (200) tons of paper during each twenty-four (24) hours' operation, and is known as a Four Paper Machine Mill.

2. The works of the Company will employ in their construction and after construction in their operation an average force of at least twelve hundred (1,200) operatives in addition to the average number of operatives formerly employed in the operations of the Sault Ste. Marie Pulp & Paper Company, of whom at least five hundred (500) operatives will be employed in the works of the Company within or in the vicinity of the limits of the Town of Sault Ste. Marie exclusive of those employed in the operations in the woods, and the remaining operatives will be employed in the woods tributary to the said Town by the Company. It is estimated that the increase over and above the number of operatives employed in connection with the operation of a one hundred (100) ton paper mill will be approximately five hundred (500) operatives, of whom approximately three hundred (300) would be employed in the said woods and the remainder in or in the vicinity of the Town of Sault Ste. Marie.

3. The Company will employ such average force of twelve hundred (1,200) additional operatives for at least three hundred (300) working days of ten (10) hours each throughout each year during the term of twenty (20) years from 31st day of December, 1911;

providing

providing that accidents in and to the works of the Company, labor strikes, or other circumstances beyond the control of the Company resulting in the temporary closing down of the works of the Company, or the temporary closing down not exceeding two months in duration in any year of the works of the Company for the purpose of making repairs or alterations therein or thereto, shall not be deemed or taken to be a breach or default on the part of the Company of or under the terms of this agreement.

4. The Corporation hereby agrees it was and is the intention that the works of the Company and the Company come within the provisions of the agreement entered into between the Corporation and the Sault Ste. Marie Pulp & Paper Company and other parties dated 6th July, 1900 (which agreement is set forth in Schedule "B" to the Act passed by the Legislature of Ontario, being 1 Edward VII., Chapter 71), and that thereby the works of the Company and the Company are not assessable and shall not be assessed by or be liable to pay taxes, including local improvement, frontage, business, income and school taxes to or in the said Town of Sault Ste. Marie until 31st December, 1924; and notwithstanding any default hereunder on the part of the Company, the Company or the works of the Company shall not be liable to assessment by or to pay taxes as aforesaid to or in said Town of Sault Ste. Marie prior to 31st December, 1924.

5. The Corporation agrees that from and after 31st December, 1924, and until and including 31st December, 1931, the Corporation shall and will exempt and does hereby exempt all property of every kind real and personal of the Company that may be required or owned or leased by the Company and the works of the Company situate west of Andrew Street and south of Superior Street within the Town of Sault Ste. Marie, including, but not so as in any way to limit or restrict the foregoing, the lands, buildings, plant, machinery, railway tracks, sidings, switches, rights-of-way, stock on hand, supplies and other chattels and effects employed or used in connection with or incidental to the works of the Company and whether now or hereafter acquired, purchased or used in connection therewith, and also the business and income of the Company and of the works of the Company from all Municipal rates, taxes and assessments whatsoever, including local improvement rates and frontage, business and income taxes, saving and excepting only school taxes.

Provided that the property so exempt shall be bona fide required, used or employed in connection with the Company or the works of the Company.

Provided further that nothing herein contained shall exempt from taxation any lands or premises used for any business or operation carried on by the Company which may come into opposition to or competition with any other retail, local or custom business carried on within the limits of the Town of Sault Ste. Marie.

Provided further that if the Company shall erect dwelling houses on lands owned, leased, employed or used by it, such houses shall be liable to taxation in the same manner as any other property in the said Town of Sault Ste. Marie.

6. The Corporation shall and will establish and fix, and does hereby establish and fix the assessment of the property of the Company and of the works of the Company mentioned in the preceding paragraph hereof, including the business and income of the Company and of the works of the Company for the purposes of school taxes (which shall be the only Municipal taxes of any kind payable by the Company or on the works of the Company) from and after 31st December, 1924, and up to and including 31st December, 1931, at the sum of one hundred thousand dollars ($100,000.00).

7. The Company shall at the end of each year when required by the Corporation so to do, produce its and their pay rolls to the person

or persons authorized by the Corporation to inspect the same, to exhibit to such person the evidence of the employment of the number of operatives hereinbefore provided to be employed by the Company.

Provided that except the Corporation gives written notice to the Company within twelve (12) months next after the 31st December in any year up to and including the year 1930 that default has been made in and during the next preceding year in the employment of the number of operatives hereinbefore provided to be employed the Corporation shall not be entitled thereafter to claim or set up and shall be estopped from claiming and setting up default in such preceding year or in any year prior thereto by the Company in the said number of operatives so employed or to be employed as aforesaid.

In event that default is made under this agreement in the increased number of operatives employed by the Company or in the works of the Company during any year from 1925 to 1931, both inclusive, the exemption or partial exemption from taxation hereby granted shall be forfeited for the year next succeeding that in which the said default occurred, but the Company shall be entitled to all the benefits and advantages of this agreement and of the exemption and partial exemption from taxation and fixed assessment hereby granted for the year next following that year in which said exemption from taxation or partial exemption from taxation is hereby forfeited (herein referred to as the second year) except default occurs in the increased number of operatives so employed during such second year and so on until and including the year 1931.

Provided that if default as aforesaid be made by the Company in any year the increased number of operatives employed by the Company for each working day of ten hours each during such year shall be taken into consideration and counted with the increased number of operatives employed by the Company in the next succeeding year thereafter and should the increased number of operatives in such two-year period equal the employment by the Company of such twelve hundred (1,200) additional operatives as aforesaid for ten (10) hours each day for six hundred (600) days then the Company shall not be deemed to have made any default under the terms of this agreement during such first year of said two-year period and if same occurs in the years 1925 to 1931, both inclusive, shall not forfeit or lose the benefit of said exemption or partial exemption from taxation or fixed assessment for such first year of such two-year period anything herein contained to the contrary notwithstanding.

Provided that, subject to all the provisions of this Agreement, if default hereunder at any time after the date hereof be made by the Company, the Corporation may give written notice thereof to the Company and may cancel this Agreement and subject to the provisions of paragraph Four (4) hereof the rights of the Company under this Agreement shall thereupon cease.

8. The school taxes to be collected from the Company under the fixed assessment hereinbefore provided, shall be divided among the High, Public and Separate School Boards in the following manner, that is to say: The High School Board shall be paid annually such proportionate amount of the total taxes so collected as shall be equal to the proportion that the annual requirements of the High School Board shall bear to the total annual requirements of the High, Public and Separate School Boards of the Town of Sault Ste. Marie, and the balance shall be divided between the Public School Trustees and the Separate School Trustees of said Town of Sault Ste. Marie, in the proportion that the assessed value of property of the supporters of Public Schools (apart from the assessment of the Lake Superior Corporation) shall bear to the assessed value of the property of supporters of separate schools in the said Town.

9. In event that the Corporation passes a By-law authorizing the execution of this agreement by the Corporation and the said By-law become

become legal, valid and binding upon the Corporation and the Company makes default in constructing and completing the said paper mill having a daily capacity of approximately two hundred (200) tons of paper within the time hereinbefore limited therefor or after completion thereof fails to employ such increased number of operatives continuously save as aforesaid for ten (10) years next after the date hereof the Company forthwith on such default occurring at any time during such ten years on demand will pay to the Corporation all expenses incurred by it in the preparation and passing of said By-law and of this agreement, and of any application to the Legislature of Ontario for the ratification thereof with interest at five per centum per annum from the date of payment thereof by the Corporation to the date of repayment to it.

10. The Corporation shall at its own expense apply for and secure legislation at the next ensuing session of the Legislature of Ontario ratifying and declaring valid this Agreement and any By-law of the Corporation authorizing the execution hereof.

11. Nothing herein contained shall prejudice or affect the right of the Corporation after 31st December, 1924, to assess the water power canal, the property of the Lake Superior Power Company, and the head and tail race, penstocks, and all other the property of the Lake Superior Power Company forming part of the said water power canal as fully and effectually as if this Agreement had not been entered into.

12. "The Works of the Company" where said words are used in this agreement are hereby declared to mean and include and to consist of plants for and operations of cutting, taking out, handling, preparing, treating and or manufacturing of timber and trees, ground wood pulp, sulphide pulp, paper and by-products, collateral and other products which are necessary or may advantageously be dealt with, handled, prepared, treated and or manufactured with or of wood or pulp or paper, and pyrites plants, and other plants and operations collateral or subsidiary to or which may be advantageously operated with or are of assistance in the economical operation of any of the foregoing plants and operations.

13. Wherever in this Agreement the word "Company" is used it shall extend to and bind and enure to the benefit of and include and mean the successors and assigns of the Company and persons, firms and corporations subsidiary to and or allied with the Company in the works of the Company or works similar thereto.

14. Wherever in this Agreement the word "operatives" is used it shall mean and include all those persons in receipt of wages from or remuneration for services to the Company.

In witness whereof the parties hereto have duly executed these presents.

Signed, sealed and delivered
in the presence of

(Seal of the Corporation of Sault Ste. Marie.)
W. H. MUNRO, *Mayor.*
C. J. PIM, *Clerk.*

As to execution by the Corporation,
GEO. W. GOODWIN,
As to execution by the Company,
P. T. ROWLAND.

(Seal of the Lake Superior Paper Company, Limited.)
G. H. MEAD, *Vice-President.*
SPEED WARREN, *Asst. Manager.*

## CHAPTER 123.

## An Act respecting the Town of St. Marys.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, The Corporation of the Town of St. Marys has by its petition represented: That by By-law Number 165 duly passed by the Municipal Council of the Town of St. Marys on the 30th day of May, 1910, after the same had received the assent of the electors of the said municipality, pursuant to the provisions of *The Municipal Act* in that behalf, the majority in favour of the said by-law being 441, the said Corporation was authorized to guarantee the bonds of a certain company to be incorporated by John G Lind and Thomas J. McNally to the extent of $40,000.00, the bonds so guaranteed to be part of a bond issue limited to $90,000.00, payable in ten years with interest at six per cent., secured by a first mortgage upon all the land, factory, buildings, plant and machinery, as mentioned in the said By-law upon the said John G. Lind and Thomas J. McNally or the said incorporated company acquiring a suitable site within the Town of St. Marys, and erecting and equipping a factory thereon for the manufacture of Portland Cement at a cost of $200,000.00 prior to the 15th day of September, 1911, and being ready on or before the said date to begin operations with at least one hundred men; delays from strikes and other necessary and unavoidable causes excepted; that on the first day of June, 1910, the said By-law was duly registered in the proper Registry Office in that behalf, and no proceedings have been taken or instituted to set aside or repeal the same. That subsequently by By-law Number 202 of the said Municipal Corporation duly passed on the 12th day of June, 1911, after reciting the provisions of the said By-law Number 165, and further reciting that by reason of delays occasioned by necessary and unavoidable causes it would be impossible for the said Lind and McNally or the said company to erect and equip the said factory on or before the 15th day of September, 1911, it was enacted that the time for erecting and equipping the said factory be extended until the 1st day of April, 1912; that a company has been incorporated under *The Ontario Companies Act* pursuant to the provisions of the said By-law and of the agreement therein recited under the

name

name of St. Marys Portland Cement Company, Limited, with a capital of $500,000.00, and a suitable site within the said town of St. Marys has been acquired by the said Company and its buildings are now in the course of erection and nearing completion; that doubts exist as to the power of the said Corporation to pass By-law Number 165 authorizing the said Municipality to guarantee the bonds of the said Company to the amount of $40,000.00 by reason of such amount exceeding ten per cent. of the total annual municipal taxation of the said Town of St. Marys, and therefore contrary to the provisions of *The Consolidated Municipal Act* in that behalf, and also as to the power of the said Corporation to extend the time for the erection and equipment of the said factory; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

By-laws Nos. 165 and 202 of Town of St. Marys confirmed.

**1.** Subject to the provisions of section 3, By-laws Numbers 165 and 202 of the Municipal Corporation of the Town of St. Marys as set forth in Schedules "A" and "B" to this Act are declared legal, valid and binding upon the said Municipal Corporation in the same manner and to the same extent as if set out at length and included in this Act, and notwithstanding any want of jurisdiction in the said municipality to pass the said by-laws and notwithstanding any defect in substance or in form in the said By-laws or in the manner of passing the same.

Power to guarantee bond issue of Cement Company.

**2.** It shall be lawful for the said Municipal Corporation of the Town of St. Marys upon the erection and equipment of the said factory by the said St. Marys Portland Cement Company, Limited, by or before the 1st day of April, 1912, or within such further time but not later than the 1st day of September, 1912, as the said Municipal Council may by by-law provide to guarantee to the extent of $40,000 the bond issue of the said Company as mentioned in the said By-laws.

Assessment for school purposes.

**3.** Notwithstanding anything contained in the said by-laws, the property of the Company shall for school purposes be assessed and liable to taxation in all respects as if the said by-laws had not been passed.

Confirmation of certain by-laws.

**4.** The following By-laws of the Municipal Council of the Corporation of the Town of St. Marys are hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof: By-law No. 201, authorizing the issue of debentures for the sum of $5,000.00 to pay for the construction of a reinforced concrete

crete bridge; By-law No. 210, to borrow the sum of $15,000.00 to pay for extensions of the electric power system; By-law No. 217, authorizing the issue of debentures for the sum of $18,163.00 to pay for certain works constructed as local improvements. The moneys to be borrowed under the authority of said By-law No. 217 shall be borrowed upon the credit of the said Corporation at large, and debentures of the Corporation may be issued therefor and such debentures shall be valid and binding upon the Corporation.

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SCHEDULE "A."

BY-LAW No. 165.

To Authorize the Town of St. Marys to Guarantee the Bonds of an Incorporated Company to be formed by John G. Lind and Thomas J. McNally to the extent of $40,000 for the purpose of erecting a Factory, Buildings, Plant and Machinery in the Town of St. Marys, to carry on therein the business of manufacturing Portland Cement.

Whereas John G. Lind, of the Town of Owen Sound, in the County of Grey, Manufacturer, and Thomas J. McNally, of the City of Toronto, in the County of York, Physician, have agreed with the said Town of St. Marys:

(1) To form a Company incorporated under the laws of the Province of Ontario, with a capital of not less than $250,000.

(2) To procure a site within the Corporation of the Town of St. Marys and thereon to erect the necessary factory buildings for the manufacture of Portland Cement.

(3) To expend before the 15th day of September, 1911, the sum of $200,000 pursuant to the valuation to be made by the said Corporation in the

(*a*) Procuring the necessary site within the Town of St. Marys.

(*b*) Constructing and erecting the building, and

(*c*) The erection of the plant and machinery in connection therewith for the purpose of the said factory.

(4) To erect said factory and equip the same with plant and machinery ready for the manufacture of Portland Cement before the 15th day of September, 1911, delays from strikes or other necessary and unavoidable causes excepted.

(5) To employ at least 100 hands for at least 10 months in each year after the 15th day of September, 1911, except in the case of strikes, fire or other casualties over which the said John G. Lind and Thomas J. McNally or the said incorporated Company have no control.

(6) After the expiration of three years from the time of the guarantee of the bonds hereinafter mentioned to provide sufficient money each year to form a sinking fund for the due payment of said bonds and interest to accrue thereon and invest such fund from time to time upon such first-class securities as may be acceptable to said Corporation.

(7) That the said incorporated Company shall give notice to the Clerk of the Town of St. Marys that so much of the whole of the assessment for real property and other assessments within the Town of St. Marys shall be entered, rated and assessed for Separate School purposes, namely:—such part of the whole assessment of the Company

pany as bears the same ratio to the whole assessment of the Company as the assessment of Separate School supporters bears to the assessment of Public School supporters.

And whereas the Town of St. Marys has agreed with the said John G. Lind and Thomas J. McNally:

(1) That the said Town of St. Marys, upon the said John G. Lind and Thomas J. McNally or the said incorporated Company expending upon the acquirement and equipment of said land and factory for the manufacture of Portland Cement within the said Town of St. Marys the said sum of $200,000 before the 15th day of September, 1911, delays from strikes or other necessary and unavoidable causes excepted, pursuant to the valuation to be made by the Corporation of the Town of St. Marys, and being ready by the 15th September, 1911, or sooner, delays from strikes, etc., excepted, to begin operations at said factory with 100 men, will guarantee as in the proviso hereto the payment of $40,000 ten years six per cent., first mortgage bonds of the Company, the said bonds for $40,000 to be a part of a bond issue limited to $90,000 and to be secured by a first mortgage upon all the land, factory buildings, plant and machinery of the said John G. Lind and Thomas J. McNally or the said incorporated Company used in connection with said business of manufacturing Portland Cement within the said Town of St. Marys, said bonds to be repayable in ten years from the date of issue thereof and to have attached to them coupons for the payment of the interest thereon yearly at the above rate of six per cent., provided, however, that $20,000 of said bonds shall be guaranteed when the buildings are completed and $20,000 when Company is ready to begin operations.

(2) That the said Corporation of the Town of St. Marys will upon the performance of said John G. Lind and Thomas J. McNally, or the said incorporated Company of all their agreements with the said Town of St. Marys grant unto the said John G. Lind and Thomas J. McNally or the said incorporated Company the following lands:

All and singular that certain parcel or tract of land and premises situate, lying and being in the Town of St. Marys, in the County of Perth, and Province of Ontario, being part of Lot number Twenty-five in the Thames Concession of the Township of Blanshard and comprising all that part of said Lot number Twenty-five lying between Thomas Street in the said Town of St. Marys and River Thames and known as Lots Nineteen and Twenty in Birtch's survey of Lot Twenty-five, subject, however, to the free use by said Town of St. Marys of said lands for a period of ten years from the date when said factory is completed and operations begin for the manufacture of Portland Cement. While the said Town uses the said land it shall not be subject to taxes.

(3) To exempt the said John G. Lind and Thomas J. McNally or the said incorporated Company from taxes for ten years on the lands, factory buildings used in connection with the said manufacturing business as aforesaid and from business taxes, which exemption shall not apply to school taxes and taxes for local improvements. So much of the whole assessment as the amount of the assessment rated to Separate School supporters bears to the amount rated to supporters of Public Schools shall be entered, rated and assessed for Separate School purposes. The rate of taxation shall, however, be the same on the whole assessment as shall be that for Public School supporters. In the event of the Company ceasing to carry on business for one year the whole of the property of said Company shall become liable to all the usual taxes.

And whereas the said John G. Lind and Thomas J. McNally have deposited with the Treasurer of the Town of St. Marys a marked cheque for $125, to cover the expenses of submitting this by-law.

And whereas it is desirable to ratify and confirm the foregoing agreement.

And whereas the amount of the whole rateable property of the Town of St. Marys, according to the last revised assessment roll

thereof

thereof, is One million five hundred and twelve thousand eight hundred and fifty-two dollars and fifty cents, of which sum by the provisions of 58 Victoria, Chapter 80, the sum of ninety-two thousand and three hundred and sixty dollars being the assessed value of certain lands set out and referred to in said 58 Victoria, Chapter 80, is exempt.

And whereas the amount of existing debenture debt of the said Municipality of the Town of St. Marys is one hundred and fifty-four thousand four hundred and nineteen dollars and sixty cents, and none of the principal or interest of said debenture debt is in arrears.

Now therefore the Municipal Council of the Corporation of the Town of St. Marys enacts as follows:—

(1) That it shall and may be lawful for the Mayor and Clerk of the said Town of St. Marys, on behalf of said Town of St. Marys, upon said John G. Lind and Thomas J. McNally or the said incorporated Company acquiring said lands, erecting said building and equipping said factory for the manufacture of Portland Cement at a cost of $200,000, pursuant to the valuation to be made by the said Corporation of the Town of St. Marys upon resolution of the Council of said Town that all conditions necessary therefor have been fulfilled to guarantee bonds of the said John G. Lind and Thomas J. McNally or the said incorporated Company to the extent of $40,000 in two instalments of $20,000 each, as in said preamble set forth, said bonds to be part of an issue of bonds limited in amount to $90,000 and to be ten-year first mortgage bonds six per cent. with interest coupons attached for the payment of the interest thereon yearly during the bond term of ten years. Said bonds shall state upon the face thereof that they are first mortgage bonds of an issue of first mortgage bonds limited to $90,000 and shall be secured by a mortgage upon all the lands, factory buildings, plant and machinery of the said John G. Lind and Thomas J. McNally or the said incorporated Company within the said Town of St. Marys. Provided that the said Mayor and Clerk shall not be required to inquire further into the said issue after the resolutions of said Council directing them to execute the said Bond guarantee on behalf of said Town.

(2) That the said lands, factory buildings, plant and machinery of said John G. Lind and Thomas J. McNally or said incorporated Company used in connection with the manufacture of Portland Cement within the Town of St. Marys shall be exempt for a period of ten years from all taxes of the said Town of St. Marys except school taxes and taxes for local improvements. And it is hereby declared and enacted that so much of the whole assessment of said lands, factory, plant and machinery as the amount of the assessment rated to Separate School supporters bears to the amount rated to supporters of Public Schools shall be entered, rated and assessed for Separate School purposes. Provided, however, that the rate upon the whole of such assessment for lands, factory, etc., shall be at the Public School rate. Provided also that in the event of the said John G. Lind and Thomas J. McNally or the said incorporated Company ceasing to carry on business for one year the whole of the property of said John G. Lind and Thomas J. McNally, or the said incorporated Company used in connection with the manufacture of Portland cement shall become liable to all the usual taxes.

(3) This By-law shall take effect on the passing thereof.

(4) On the 19th day of May, 1910, at the hour of ten o'clock in the forenoon, at the Clerk's Office, in the Town Hall of St. Marys, the appointment of persons to attend at the polling places and at the final summing of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this By-law will be made.

(5) The Clerk of the Municipality shall sum up the number of votes for and against the By-law at the hour of 10 a.m., on Saturday, the 21st day of May, 1910, at the Clerk's Office, in the Town Hall, St. Marys.

(6) The votes of the ratepayers entitled to vote on this By-law shall be taken thereon at the places hereinafter mentioned, and the said votes shall be taken on Friday, the 20th day of May, 1910, the poll to be opened at the hour of nine o'clock in the forenoon and closed at the hour of five o'clock in the afternoon, and the persons also hereinafter named shall be Deputy Returning Officers to take the votes at the said polls.

(*a*) Polling Subdivisions Nos. 1 and 6, being the West Ward—Place, West Ward School House; Wm. Box, Deputy Returning Officer.

(*b*) For Polling Subdivisions Nos. 2 and 3, being the North Ward—Place, Council Chamber, Town Hall; Frank McCracken, Deputy Returning Officer.

(*c*) For Polling Subdivision No. 4, being the East Ward—Place, the James St. School; Geo. D. Lawrie, Deputy Returning Officer.

(*d*) For Polling Subdivision No. 5, being the South Ward—Place, C. W. Coupland's Store, Water St.; James Kennedy, Deputy Returning Officer.

Read a first time, the 20th day of April, 1910.

Read a second time, the 20th day of April, 1910.

Read a third time and passed, the 30th day of May, 1910.

T. M. CLARK, *Clerk.* F. G. SANDERSON, *Mayor.*

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SCHEDULE "B."

BY-LAW No. 202.

TO AMEND BY-LAW NO. 165 OF THE TOWN OF ST. MARYS.

Whereas By-law No. 165 of the Town of St. Marys was duly passed authorizing the Town of St. Marys to guarantee the bonds of an incorporated company to be formed by John G. Lind and Thomas J. McNally to the extent of forty thousand dollars, for the purpose of erecting a factory, buildings, plant and machinery in the Town of St. Marys, to carry on therein the business of manufacturing Portland cement.

And whereas it was provided in said By-law that the said John G. Lind and Thomas J. McNally were to expend before the 15th day of September, 1911, the sum of two hundred thousand dollars, pursuant to the valuation to be made by the said Corporation in procuring the necessary site within the Town of St. Marys, and thereon to erect the necessary factory buildings for the manufacturing of Portland cement, and to equip the same with plant and machinery ready for the manufacturing of Portland cement before the 15th day of September aforesaid, delays from strikes or other necessary and unavoidable causes excepted.

And whereas it was provided in the said By-law No. 165 that the said Lind and McNally would employ at least one hundred hands for at least ten months in each year after the 15th day of September, 1911, except in cases of strikes, fire, or other casualties, over which the said Lind and McNally, or the incorporated company, had no control.

And

And whereas it was provided in the said By-law No. 165 of the said Town of St. Marys, upon the said John G. Lind and Thomas J. McNally, or the said incorporated company, expending upon the acquirement and equipment of the said land and factory for the manufacturing of Portland cement within the Town of St. Marys the said sum of two hundred thousand dollars before the 15th day of September, 1911, delays from strikes or any other unavoidable causes excepted, pursuant to the valuation to be made by the Corporation of the Town of St. Marys, and being ready by the 15th day of September, 1911, or sooner, delays from strikes, etc., excepted, to begin operations in said factory with one hundred men, would guarantee, as provided in said By-law No. 165, the payment of forty thousand dollars in ten years at six per cent. first mortgage bonds of the Company. The said bonds for forty thousand dollars to be part of the bond issue limited to ninety thousand dollars, and to be secured by the first mortgage upon all the land, factory, buildings, plant and machinery of the said John G. Lind and Thomas J. McNally, or the said incorporated company, as further provided in said By-law No. 165.

And whereas it has been made to appear to the Municipal Council of the Corporation of the Town of St. Marys that it will be impossible for the said John G. Lind and Thomas J. McNally, or any incorporated company formed by them, to fully carry out and perform the agreements made by them, the said Lind and McNally, which were to be carried out and performed by them on or before the 15th day of September, 1911, by reason of delays occasioned by necessary and unavoidable causes.

And whereas the said John G. Lind and Thomas J. McNally have formed a company which will be incorporated agreeable to the conditions of the said By-law No. 165, and have procured the necessary site within the Town of St. Marys to erect the necessary factory buildings for the manufacturing of Portland cement.

Now, therefore, the Municipal Council of the Corporation of the Town of St. Marys enacts as follows:—

That the time for expending the sum of two hundred thousand dollars, as set out in paragraph 3 of the first recital in By-law No. 165 of the Town of St. Marys, and the time for erecting and equipping factory, in paragraph 4 of the said recital, and the time mentioned in paragraph 5 of the said recital, be extended from the "15th day of September, 1911," until "the 1st day of April, A.D. 1912."

That the words and figures "the 15th day of September, 1911," in the 5th and 6th lines of paragraph 1 in the second recital in said By-law No. 165, and the words and figures "the 15th September, 1911," in the 8th and 9th lines of said paragraph 1, be stricken out, and "the 1st day of April, A.D. 1912," be substituted therefor.

That the words and figures "the 15th day of September, 1911," wherever the same do occur in the said By-law, be stricken out and the words "the 1st day of April, 1912," be substituted therefor.

That in all other respects the said By-law No. 165 is hereby confirmed.

This By-law shall take effect on the passing thereof.

Read a first time, the 12th day of June, 1911.

Read a second time, the 12th day of June, 1911.

Read a third time and passed, the 12th day of June, 1911.

F. G. SANDERSON, *Mayor.*

T. M. CLARK, *Clerk.*

CHAPTER

# CHAPTER 124.

## An Act respecting the Town of Steelton.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the Town of Steelton by petition has represented that By-law No. 144 of the said Town adopting the report of the Town Engineer made pursuant to By-law No. 141 of the said Town as to the real property benefited by the construction of a proposed system of sewers in said Town was duly passed by the Council thereof on 29th day of June, 1910; that By-law No. 145 of said Town, providing for the publication of a notice of intention to proceed with the construction of said sewerage system was duly passed on 29th day of June, 1910; that By-law No. 146 of said Town, providing for the construction of said system of sewers as a local improvement was duly passed by the Council of said Town after the Board of Health of said Town had duly recommended the construction in the public interests of the said sewers for sanitary purposes, and after notice of construction of same had been duly given by said Council by public advertisement and otherwise to the owners of property benefited thereby, and no petition was received by said Council against the said work; that the said Council had intended to assess a portion of the final cost of said sewerage system upon the real property, which although not fronting or abutting thereon was deemed by said Council benefited by the construction thereof, but said Council does not now find it necessary, expedient, or equitable, and is not desirous of assessing a portion of said final cost on said last mentioned real property; that the said Council has passed By-law No. 128 authorizing the execution of a certain Agreement dated 16th February, 1910, and has entered into said Agreement with the Corporation of the Town of Sault Ste. Marie for the construction of a common sewer on Cathcart Street between North and Hudson Streets in the Town of Sault Ste. Marie, and a common sewer outlet extending from Cathcart Street in Sault Ste. Marie southerly to deep water in the St. Mary's

River

River, which sewers are necessary to serve property situate within the Town of Steelton; and has duly passed By-law No. 170 authorizing the execution of a certain Agreement dated 25th April, 1911, and has entered into said Agreement with the Lake Superior Power Company and the Corporation of the Town of Sault Ste. Marie providing for a joint sewer outlet, which is necessary to serve property situate within the Town of Steelton: that the said Council has duly passed Construction By-laws Nos. 10 and 13 for the construction of certain sewers as local improvements under "the local improvement sections of the Municipal Act"; that the said Town of Steelton has constructed the said sewers authorized by the several By-laws aforesaid at a total cost of $82,000; that By-law No. 201 for the purpose of regulating and providing a uniform frontage tax upon the property specially benefited by said system of sewers, to cover the cost of the construction thereof has been duly passed by the Council of said Town; that on the 29th day of December, 1911, a Court of Revision was held for the said Town to fix the frontage of lots fronting or abutting upon said sewer system for the purpose of levying special rates against said lots for the said sewers as a local improvement, when a special assessment roll of said last mentioned lots was revised and settled by said Court of Revision which said assessment roll was confirmed on appeal by the Judge of the District Court of the District of Algoma; that the Council passed By-law No. 205 authorizing the borrowing of $82,000.00 by the issue of debentures to pay for the construction of the said works and the levying of rates to pay the debt and interest: and the said Corporation has by the said petition prayed that an Act may be passed to legalize and confirm the action of the said Council in not assessing or levying any portion of said final cost of said sewers upon the real property which does not front or abut thereon, and subject to the foregoing to legalize and confirm the said several By-laws aforesaid, and no opposition has been offered to the said petition: and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

How cost of certain sewers to be levied.

**1.** The cost of the said sewers provided for by the said By-laws shall and may be assessed and levied in manner following, that is to say, $47,000 thereof by annual special rate upon and against the real property which appears in the special assessment roll, revised and settled by said Court of Revision for the Town of Steelton held on 29th December, 1911, and $35,000 thereof shall and may be assessed and

levied

levied by special rate sufficient therefor over and above all other rates on all the rateable property in the said Town of Steelton at the same time and in the same manner as other rates and taxes in said Town.

Certain by-laws confirmed.

**2.** The said Construction By-laws numbered 10 and 13 and the said By-law numbered 201 and all reports, By-laws, proceedings, actions and Agreements of the Council or of any officer of the said Town of Steelton leading up to or in connection with the said By-laws or any of them and all special assessment rolls respecting or affecting said sewers revised and settled by the said Court of Revision on the 29th day of December, 1911, as confirmed on appeal by the Judge of the District Court of the District of Algoma, and all rates and assessments imposed by said By-laws and special assessment rolls as finally revised are hereby confirmed and declared to be legal, valid and binding upon the said Corporation of the Town of Steelton and the ratepayers thereof, and the said Corporation is authorized and empowered to do all acts and things necessary, requisite or proper for the full and effectual carrying out of the objects of the said By-laws and said Agreements.

Confirmation of debentures.

**3.**—(1) By-law No. 205 of the Council of the Corporation of the Town of Steelton, authorizing the issue of debentures for the sum of $82,000.00, set forth as Schedule "A" to this Act, is hereby confirmed and declared to be valid and binding upon the Corporation and the ratepayers thereof and the validity of the said by-law shall not be questioned in any Court on any ground whatever.

(2) Debentures issued pursuant to and substantially complying with the provisions of the said by-law shall be valid and binding upon the Corporation of the Town of Steelton and it shall not be necessary for the purchasers thereof to inquire into the validity of the issue of the same.

Annexation of certain land to town.

**4.** If the southerly 102 acres of Section Number 31 of the Township of Tarentorus known as the Moffly Subdivision are annexed to the Town of Steelton under the provisions of section 13 of the *Act to Incorporate the City of Sault Ste. Marie* passed at the present Session the provisions of sections 14 and 15 of that Act shall *mutatis mutandis* apply to the Town of Steelton and to the land annexed.

STEELTON.

BY-LAW NO. 205.

A By-law to provide for borrowing $82,000.00 upon debentures to pay for the construction of a system of sewers in the Town of Steelton.

Whereas, pursuant to By-law No. 146, passed on the 16th day of August, 1910, sanitary sewers have been constructed at a cost of $80,730.00 as a local improvement, on the following streets in said town:

| Names of Streets. | Points on said Streets between which the Sewer is Laid. |
|---|---|
| John | Cathcart to Wellington. |
| Wellington and People's Road | John to Wallace. |
| People's | Wallace Terrace to Swartz. |
| Cathcart | John to Gore. |
| Beverly | Cathcart to C. P. Railway. |
| Huron | Cathcart to C. P. Railway. |
| St. James | Cathcart to C. P. Railway. |
| Brown | Cathcart to Wellington. |
| Gloucester | Cathcart to Wellington. |
| Wellington | Edinbourg to North. |
| Edinbourg | Wellington to North. |
| St. Andrews | John to North. |
| St. George | John to North. |
| Bush | St. George to Cornwall. |
| John | Wellington to St. George. |
| John | St. George to Conmee. |
| Northland | John to Charles. |
| Northland | Charles to Parliament. |
| Northland | Parliament to Kehoe. |
| Hudson | Wellington to Kehoe. |
| Hudson | Cathcart to C. P. Railway. |
| North | C. P. Railway to St. George. |
| Parliament | Northland to Kehoe. |
| Charles | Northland to Kehoe. |
| St. George | Wellington to Hudson. |
| Huron | St. George to C. P. Railway. |
| Wallace Terrace | People's Road to St. Patrick. |
| Swartz | People's Road to Lennox. |
| Shafer | Swartz to Conmee. |
| Lennox | Swartz to Conmee. |
| Cathcart | John to Hudson. |

And whereas, pursuant to Construction By-law No. 10, passed on the 10th day of August, 1911, a sanitary sewer has been constructed at a cost of $550 as a local improvement on Hudson Street between Cathcart Street and the Southerly limit of the right of way of the Canadian Pacific Railway in said Town.

And whereas pursuant to Construction By-law No. 13, passed on the 3rd of October, 1911, a sanitary sewer has been constructed at a cost of $720.00 as a local improvement on North Street between St. George Avenue and the Northerly limit of the right of way of The Canadian Pacific Railway Company in said Town.

And whereas the total cost of the work is $82,000.00, of which $35,000.00 is Corporation's portion of the cost, and $47,000.00 is the owners' portion of the cost, for which a special assessment roll has been duly made and certified.

And whereas the estimated lifetime of the work is 30 years.

And

And whereas it is necessary to borrow the said sum of $82,000.00 on the credit of the Corporation and to issue debentures therefor payable within 30 years from the time of the issue thereof and bearing interest at the rate of 5 per cent. per annum, which is the amount of the debt intended to be created by this By-law.

And whereas it is necessary to raise annually $1,588.34 for the payment of the debt, and $4,100.00 for the payment of the interest thereon, making in all $5,688.34 to be raised annually for the payment of the debt and interest, of which $2,427.95 is required to pay the Corporation's portion of the cost and the interest thereon, and $3,260.39 is required to pay the owners' portion of the cost and the interest thereon.

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll is $1,429,366.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts secured by special rates or assessments) is $139,365.95, and no part of the principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of Steelton enacts as follows:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of $82,000.00, and debentures shall be issued therefor in sums of not less than $100 each which shall have coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within 2 years after the day on which this By-law is passed, and may bear any date within such 2 years, and shall be payable within thirty years after the time when the same were issued.

3. The debentures shall bear interest at the rate of five per cent. per annum, payable half-yearly, and as to both principal and interest may be expressed in Canadian currency or sterling money of Great Britain at the rate of £1 sterling for each $4.86⅔, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the Seal of the Corporation.

5. During the 30 years' currency of the debentures, $1,588.34 shall be raised annually to form a sinking fund for the payment of the debt, and $4,100.00 shall be raised annually for the payment of the interest thereon, making in all $5,688.34 to be raised annually for the payment of the debt and interest as follows:— The sum of $2,427.95 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property of the Municipality at the same time and in the same manner as other rates.

For the payment of the owners' portion of the cost and the interest thereon the special assessment set forth in the said special assessment roll is hereby imposed upon the lands liable therefor as therein set forth, which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in 30 equal annual instalments of $3,260.39 each, and for that purpose an equal annual rate of 7 cents per foot frontage is hereby imposed upon each lot entered in the said special assessment roll, according to the assessed frontage thereof over and above all other rates and taxes, which said special rate shall be collected annually by the Collector of taxes for the Corporation at the same time and in the same manner as other rates.

6. All monies arising from the said special rates or from the commutation thereof not immediately required for the payment of interest shall be invested as required by law.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force at the time of the issue thereof. The amount of the loan authorized by this By-law may be consolidated with the amount of any loan authorized by other local improvement By-laws, by including the same with such other loans in a Consolidating By-law authorizing the borrowing of the aggregate thereof as one loan and the issue of debentures for such loan in one consecutive issue pursuant to the provisions of the Statutes in that behalf.

8. This By-law shall take effect on the day of the final passing thereof.

Passed this 8th day of January, 1912.

(Sgd.) JAS. LYONS,
*Mayor.*

(Sgd.) J. ROBINSON,
*Clerk.*

(Corporate Seal.)

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CHAPTER

## CHAPTER 125.

# An Act respecting By-law No. 17 of 1910 of the Township of Tilbury East, concerning the Forbes Drainage Works.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the Township of Tilbury East has by petition represented that the Forbes Drainage work is a work of drainage by embanking and pumping, originally constructed in the northern part of the said Township in or about the year 1887, under the laws then in force in Ontario respecting drainage and local assessment therefor; that thereupon it became and was the Statutory duty of the Township to maintain and keep in repair the said drainage work (including the pumping plants and machinery) at the expense of the lands and roads in the Township in any way assessed for the original construction, and according to the assessment for the original construction until the proportions of such assessment should be varied by the report and assessment of an Engineer for the maintenance of the drainage work; that it has been the practice in the said Township for the Council to undertake and construct works of maintenance and repair of drainage works without any further authority than the authority of the By-law for original construction and the said Statutory duty without being restricted by the cost of the same, employing an Engineer in cases of maintenance, only in cases where the nature of the work being done made it advisable or prudent or there was some necessity for expert opinion; that in the year 1905 the Council employed an Engineer of large experience—one Alexander Baird, C.E.—to examine and report upon works of repair and improvement of the said Forbes Drainage works; that in the year 1906 the said Engineer reported to the Council recommending certain repairs to Pumping Station No. 2, the moving of the Station, the dividing of the whole scheme and other extensive changes and alterations; that the Council thereupon submitted the matter to the ratepayers in general meeting who pronounced in favour of the repairs to the pumping works but against the proposed altera-

tions

tions and improvements; that the Council thereupon referred the report back to the Engineer, who brought in a second report in 1907 making the same recommendations as to repairs of the pumping station but providing for other works that did not meet with the approval of the Council; that thereupon the Council without adopting the said report decided to and did go on with the repairs of the pumping station, the same being then in a badly dilapidated and dangerous condition, and let the work to an experienced contractor, and the same was done substantially in accordance with the Engineer's recommendations and was subsequently examined and approved by the Engineer; that the Township advanced out of the general funds the sum of $5,440.00 for the doing of the said work and charged the same up to the Forbes Drainage works account, against which there was already standing a balance of some $1,400.00 or $1,500.00 in respect of moneys previously advanced; that thereupon owing to the complaints of the owners of the lower lying lands that the proportions of assessment were unjust and inequitable and unfair to the low lands, the Council referred the matter of the assessment of the said expenditures and the proportions of the assessment to the said Engineer so as to enable him to consider the complaints and make an assessment that would be subject to revision and appeal, upon which the Council could base its By-law in order to charge the expenditure to the Drainage area and recoup the general funds; that the Engineer made his report and assessment and the same was adopted by By-law provisionally passed the 18th day of October, 1909; that the Court of Revision was duly held upon the said assessment and many complaints heard and disposed of, and that the appeals were taken to the County Judge from the Court of Revision and those appeals heard and disposed of and the By-law finally passed on the 26th day of September, 1910, being By-law No. 17 of 1910; that thereafter eighteen of the dissatisfied owners of the low lands moved to quash the said By-law by proceedings in the High Court of Justice before the Referee under the Drainage Laws; that the learned Referee tried the cases on *viva voce* evidence at the City of Chatham on the 7th and 8th days of February, 1911, in presence of Counsel for all parties and delivered judgment dismissing the applications with costs; that the learned Referee found that the applications were entirely without merit, that the expenditures were warranted, that the money had been judiciously spent and that all the equities were in favour of the Township; that thereafter one only out of the eighteen applicants prosecuted an appeal to the Court of Appeal from Ontario; that said appeal was heard on the 3rd and 4th days of October, 1911, and on the 22nd day of December, 1911, the Court delivered judgment allowing the appeal with costs, Mr. Justice Meredith dissenting; that the appeal was disposed of by the Court of Appeal

Appeal on purely technical grounds, in its judgment the Court declaring "The Appellant does not now complain that the work was not useful work, or even that it was insufficient to meet the then requirements in the way of the repair of the system, nor that it was not well done or not completed. His whole complaint upon these heads is that under the circumstances it had not been preceded by a report from the Engineer and a By-law authorizing the work as the Statute requires," nevertheless the Court declared that according to law as the repairs had exceeded in cost the sum of $800.00 the Council had no right to undertake them without previously obtaining an Engineer's report; that this interpretation of the law is at variance with the general view and with the general practice as above set forth; and the result of the Judgment of the Court of Appeal is to leave the Township in such a position that it is unable to reimburse or recoup the general funds for the moneys that it has honestly and in good faith and as it believed lawfully, advanced out of the general funds and expended in performance of its Statutory duty for the benefit and advantage of the Forbes Drainage Works alone; and whereas it is manifest that the lands and roads within the drainage area and described in the schedules of the said By-law are the lands and roads that got the benefit of and should bear the said expenditure; and whereas it is deemed expedient and just to grant the prayer of the said petition and to pass such an enactment as will enable the Township to recoup its general funds at the expense of the lands and roads benefited as aforesaid:—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 17 of 1910 of Township of Tilbury East confirmed.

**1.** The said By-law of the Township of Tilbury East, being By-law No. 17 of 1910 of the said Township, set forth in part in Schedule "A" hereto, and the report and assessment of the said Engineer therein set forth are hereby validated and confirmed.

Debentures confirmed.

**2.** The debentures issued or to be issued by the said Township under the said By-law to provide the money necessary to recoup the general funds of the said Township for the moneys advanced out of the general funds in anticipation of the levies and collections under the said By-law, shall be valid in the hands of the purchasers and shall be binding upon the Township to the then full face value both for principal and interest.

Levies and collections confirmed.

**3.** All levies and collections already made upon the authority of the said by-law shall be deemed to be valid and lawful.

Application of 10 Edw. VII. c. 55.

**4.** The provisions of *The Municipal Drainage Act* shall apply with regard to the work done and to pay for which said By-law was passed, to the same extent as if the said work had been lawfully done under the provisions of the said Act respecting maintenance and repair.

Costs of certain motions.

**5.** The costs of the Township and of the several applicants (other than the applicant James Johnston) incidental to the motions before the Drainage Referee to quash the said by-law shall be borne and paid by the respective parties as if the judgment of the Referee had contained no order as to costs; and the township shall not be entitled to any costs under the said judgment.

Costs of James Johnston to be paid by township.

**6.** The Township shall pay to the plaintiff James Johnston, his costs, as between solicitor and client, in the litigation over the said by-law, both in the High Court and in the Court of Appeal, and such costs are hereby fixed at eighteen hundred dollars.

Costs to be paid out of general funds of township.

**7.** The costs and expenses paid or payable by the township in the said litigation, or under the provisions of this Act, including its Solicitor and Client costs and its expenses in connection with the Application for and the passing of this enactment, shall be chargeable to and paid out of the general funds of the Township.

BY-LAW NO. 17 of 1910.

A By-law to provide for the repair and maintenance of the Forbes Drainage Works in the Township of Tilbury East and for borrowing on the credit of the Municipality the sum of $7,599.00 for completing the same.

Provisionally adopted the 18th day of October, 1909.

Whereas on the 28th day of June, 1887, the Municipal Corporation of the Township of Tilbury East, under the provisions of the laws then in force in Ontario respecting drainage by local assessment, finally passed a By-law numbered 8 of 1887, known as "The Forbes Drainage By-law," and thereafter in pursuance of the provisions of the said By-law and of the powers conferred by law, constructed the drainage works described in the said By-law known as "The Forbes Drainage Works," being a drainage work, by embanking, pumping and other mechanical operations.

And whereas on the 23rd day of April, 1894, the said Corporation of Tilbury East, under the provisions of the laws as aforesaid, finally passed a By-law numbered 7 of 1894, and entitled, "A By-law to provide for repairing the Forbes Drainage Works, for enlarging and deepening and constructing a new outlet for the Internal Drain thereof and for borrowing on the credit of the Municipality the sum of $9,300.00 for completing the same," and thereafter, pursuant to the provisions of the said By-law, constructed the improvements of the said Works therein provided for, including the erection of an additional pumping station situated on Lot 7 in the Second Concession, for discharging waters from said Internal Drain into Jeannette's Creek, known as "Pumping Station No. 2" of the Forbes Drainage Works.

And

And whereas under the provisions of By-law No. 40 of 1903 the Pumping Station first constructed (and now known as Pumping Station No. 1) was removed from its original position on Lot 13, Concession 1, to a location upon Lot 13, Concession 2, where it was improved and rebuilt, and where it now stands.

And whereas in 1907 the said Pumping Station No. 2 was found to be out of repair and incapable of doing the work it was intended to do, and thereupon the said Corporation procured an examination of the said Forbes Drainage Works to be made by Alexander Baird, Esquire, C.E., and a report to be made by him providing for the better maintenance of said works, and on the 2nd day of October, 1907, the said report was provisionally adopted by said Corporation under Provisional By-law No. 37 of 1907, which said By-law was duly published but has never been finally passed.

And whereas it became necessary in the year 1907, and while the said report was under consideration by the Council, in order to prevent damages to the lands and roads within said drainage area, that Pumping Station No. 2, a part of the said works, should be repaired immediately, and that the moneys therefor be advanced out of the General Funds in anticipation of the levies and collections to be made therefor, and the Corporation, accordingly, caused such work to be done and the money for payment thereof to be advanced out of the General Funds of the Township, in anticipation of levies as aforesaid;

And whereas there were other emergencies from time to time, and other circumstances under which it became necessary to expend moneys out of the General Funds in anticipation of levies as aforesaid, for the purpose of the said drainage work, the items and particulars of which are shown in the Engineer's Report hereinafter set forth;

And whereas the said By-law No. 8 of 1887 provides for an annual assessment known as "Pumping Rate No. 1," to cover the cost of running and keeping in repair the said pumping machinery of Pumping Station No. 1, and determines the proportions of such assessment against each lot, and part of lot and road assessable therefor; and the said By-law No. 7 of 1894 provides that the pumping machinery of said Pumping Station No. 2 is to be used in connection with that of said Pumping Station No. 1 for the same purpose of discharging waters out of the same reservoir, but provides for a separate annual assessment known as "Pumping Rate No. 2" to cover the cost of running and keeping in repair the said pumping machinery of Pumping Station No. 2, and determines the proportions of such assessment against each lot and part of lot and road, assessable therefor, on a basis slightly different from the basis of said Pumping Rate No. 1, thus making it necessary to keep two separate accounts for one work.

And whereas the proportions of the assessments contained in certain of the said By-laws heretofore passed to cover the cost of the particular works of construction or maintenance provided for differs slightly from the proportions of the original assessments for the original construction of the said Forbes Drainage Works and there appears to be uncertainty as to what is now the right proportions of assessments for maintenance of said works under Section 68 of *The Municipal Drainage Act*.

And whereas the said Corporation deemed it advisable and necessary to rescind all acts of the Council adopting or approving of said report in order that the provisions thereof might be reconsidered and the proportions of the assessments for maintenance of the said Forbes Drainage Works and for covering the cost of running and keeping in repair the pumping machinery thereof might be more carefully revised, and that the Engineer at the same time should provide for recouping the General Funds for the money expended in anticipation of levies as aforesaid; and for that purpose the said Corporation, under the provisions of *The Municipal*

*Drainage*

*Drainage Act*, passed a By-law numbered 10 of 1908, reappointing said Engineer and repealing said provisional By-law No. 37 of 1907.

And whereas, pursuant to the provisions of said By-law No. 10 of 1908 the said Corporation of Tilbury East has procured further examination to be made by the said Alexander Baird, Esq., Civil Engineer, being a person competent for such purpose, of the said Forbes Drainage Works and of the area drained thereby, and has procured a report upon the condition of the said Drainage Works and on the works necessary, in his opinion, for the better maintenance thereof, to be made by the said Alexander Baird, and an assessment to be made by him upon the lands and roads in any way liable to assessment therefor, under the provisions of the said Act; and an assessment to be made by him for the cost of the repairs already constructed and paid for by moneys advanced out of the General Fund of the Township, in anticipation of the levies and collections therefor, so as to enable the Corporation to repay the said moneys into the General Fund; and also an assessment to be made by him upon all the lands and roads liable to be assessed for the purpose of defraying the annual cost of maintaining and operating the said works, stating as nearly as he can the proportion in which each road and lot, or portion of lot is so liable in respect of benefit, outlet liability and injuring liability; the said assessment so made being the assessment hereinafter by this By-law enacted to be assessed and levied upon the roads and lots, or parts of lots, hereinafter in that behalf specially set forth and described; and the report of the said Alexander Baird in respect thereof and of the said Drainage Works being as follows:—

Leamington, 21st August, 1909.

To the Reeve and Municipal Council of the Township of Tilbury East.

Gentlemen,—In compliance with your By-law No 10 of 1908, passed the 26th day of June, A.D. 1908, whereby I was appointed to examine and report upon the condition of "The Forbes Drainage Works" in your Township and on the work necessary for the better maintenance thereof, and to make an assessment and charge upon the lands and roads in any way liable to assessment thereof under the provisions of "The Municipal Drainage Act," and an assessment for the cost of the repairs already constructed and paid for by moneys advanced out of the General Funds of the Township in anticipation of levies and collections therefor, so as to enable the Corporation to repay the said moneys into the General Funds, and also to make an assessment upon all lands and roads liable for assessment for the purpose of defraying the annual cost of maintaining and operating the said works, I have made the required examination, and beg to submit the following report in connection therewith.

Having been advised by the Clerk of your Township that the maintenance of the highway bridges of "The Drainage Works" had been undertaken by the Council out of the General Funds and that it was intended they were to form no part of my work under said By-law, I made no examination of them for the purpose of this report, and the repairs and improvements of No. 2 Pumping Station and Plant recommended by my report of the 5th of September, 1907, to you, having been undertaken and carried to completion I find the works otherwise as they now exist in a fair state of maintenance, and that further repairs in connection with them may, for a time at least, be postponed.

Therefore, the examination which I have made of the works and lands and roads within the drainage area has been made with the view of assessing the lands and roads liable to contribute toward the cost of the repairs, improvements and necessary expenditures that have been made out of the moneys of the general funds of the Township, in anticipation of levies and collections therefor, from the lands and roads that should contribute thereto, so as to recoup the general funds for the money so expended.

A partial detail of the moneys so expended as furnished me, together with the costs incidental to assessing and collecting the same are as follows:—

For Reconstruction of Pumping Station No. 2.

| | |
|---|---|
| Engineer's Report, etc., of 1907 | $63 50 |
| Engineer's Report re completion, 1907 | 20 50 |
| Printing By-law of 1907 (abandoned) | 46 50 |
| Fees paid Clerk, By-law of 1907 (abandoned) | 19 25 |
| Fees paid Commissioner Graham, 1907 | 26 00 |
| Interest on overdrafts | 193 15 |
| Fees paid Commissioner Clark on work done | 10 00 |
| Amount paid Mr. Flook on contract | 5,440 00 |
| Total for Pumping Station No. 2 in 1907 | $5,818 90 |
| Cost of Engineer's Report for better maintenance of these Drainage Works in 1906 and legal advice thereon | 422 36 |
| Cost of Automatic Outlets through banks of the Internal Drain, put in by the Council in 1904 not otherwise provided for | 437 98 |
| Cost of repairs to flood gate in 1901 and repairs to banks in 1903, 1904 and 1905 | 299 84 |
| One-half the sums paid as compensation for damages to lands flooded from defective sewer pipe in 1905 and half solicitor's fees therein as ordered by the Referee | 276 06 |
| Interest on $1,436.34 for one year at 6 per cent. per annum. | 86 17 |
| Tiles put in in 1907 and 1908 | 14 60 |
| Total required for repayment of advances for said Works in anticipation of levies | $7,355 91 |
| To this add for examination, report and assessment | 118 00 |
| Assistance in examination, horse hire and travelling expenses | 22 00 |
| Publishing By-law | 45 00 |
| Registering | 3 09 |
| Court of Revision | 20 00 |
| Clerk's Fees | 35 00 |
| Amounting in all to | $7,599 00 |

This sum I assess against the lands and roads that are liable and should contribute towards the repayment of this expenditure, as shown and set forth in the Schedule of Assessment attached hereto.

For the purpose of defraying the annual cost and operating the pumping plants and works, I estimate that the cost annually, will amount to, on an average $1,276.50, and this amount I assess against the lots and parts of lots and roads within the drainage area that should contribute thereto as shown and set forth in the Schedule of Assessment annexed hereto under the heading "Annual Assessment for operating Pumps and Works."

Having been conversant with the lands included within the drainage area of these works for upwards of the past 35 years, during which time I have frequently been over different portions of the drainage area in making surveys and examinations in connection with drainage, and knowing the general conditions of the lands within the area prior to and since the inauguration and carrying out of the drainage works, the increased value of the greater portion of these lands consequent upon the carrying out of these drainage works, the present relative position and condition of these lands, and having taken into consideration the changed condition, as well as the speed and volume of the waters caused to flow from certain lands within the area, I have endeavored to make what in my opinion is a fair, just and equitable assessment of these moneys upon each lot or part of lot and road within the drainage area, which, should you deem it expedient, and having regard to the

various provisions of the Statute regarding assessment for maintenance, may be used as a basis for future assessments for the necessary repairs and the better maintenance of these drainage works, and for the annual cost of operating the pumps and works.

I, therefore, beg further to submit and recommend to your honorable body, that this drainage work be kept up, and maintained in repair at the joint expense of the lands and roads assessed in the annexed Schedule of Assessment, each lot, or part of lot and road, paying towards such maintenance in the same relative proportion as assessed in the annexed Schedule of Assessment until otherwise determined and reported upon by an Engineer as required by the *Municipal Drainage Act*, in that behalf.

I submit herewith a plan showing the location of the drainage works and drainage area.

I have the honor to be, Gentlemen,
Your Obedient Servant,
(Sgd.) ALEXR. BAIRD, C.E.

And whereas the said Council are of opinion that the said works of repair and maintenance of the said Forbes Drainage Works are works that are desirable and necessary for the proper maintenance thereof and it is desirable and necessary that the proportions of assessment for maintenance of said works and for the annual cost of operating and maintaining the same be revised and varied in the manner provided by said report and assessment

Therefore the said Corporation of the said Township of Tilbury East pursuant to the provisions of *The Municipal Drainage Act* enacts as follows:—

1st. The said report, plans, estimates and assessments are hereby adopted.

2nd. The Reeve of the said Township may borrow on the credit of the Corporation of the said Township of Tilbury East the sum of $7,599.00 being the funds necessary for the work and may issue debentures of the Corporation to that amount in sums of not less than $50.00 each, payable within seven years from the date thereof with interest at the rate of five per centum per annum, that is to say, such debentures shall be of such amounts and shall be made so payable, respectively, that the aggregate amount of both principal and interest combined, payable towards their redemption in any year shall be equal, as nearly as may be, to what is so payable towards the redemption thereof in each of the other years during which the said debentures have to run, such debentures to be payable at the Merchants' Bank of Canada, in the Village of Tilbury, Ontario, each of said debentures to include one of said equal annual payments of principal and interest.

3rd. For paying the sum of $4,249.95, the amount charged against the said lands and roads for benefit, and the sum of $1,406.74, the amount charged against the said lands and roads for outlet liability, and the sum of $1,668.21, the amount charged against the said lands and roads for injuring liability, apart from lands and roads belonging to or controlled by the Municipality, and for covering interest thereon for seven years at the rate of five per centum per annum, the following total special rates, over and above all other rates, shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads; and the amount of the said total special rates and interest against each lot, or part of lot, respectively, shall be divided into seven equal parts and one such part shall be assessed, levied and collected as aforesaid, in each year for seven years after the final passing of this By-law during which the said debentures have to run.

Schedule of lands and roads in the Township of Tilbury East assessed for the repair and maintenance of the Forbes Drainage

Works

Works in said Township, together with the amount which each lot, part of lot and road should bear and pay toward said repair and maintenance and toward recouping the general funds of the Township for moneys already paid and advanced out of its general funds for the purpose of the drainage works in anticipation of levies and collections therefor; also the amount which each lot or part of lot and road should bear and pay for the purpose of defraying the annual cost of maintaining and operating the said works:

*Note.—Schedule omitted as it is impossible to print it.*

4th. For paying the sum of $274.10 the amount assessed against the said roads of the Municipality and for covering interest thereon for seven years at the rate of five per cent. per annum a special rate on the dollar sufficient to produce the required yearly amount there for, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the said Township of Tilbury East, in each year for seven years after the final passing of this By-law, during which the said debentures have to run.

5th. For the purpose of raising, yearly, the sum of $1,228.75 being the proportion of the said estimated sum of $1,276.50 required yearly for maintaining and operating the said Forbes Drainage Works charged as aforesaid, against the said lands and roads, other than lands and roads belonging to or controlled by the Municipality, the respective sums of money, mentioned in figures in the column headed, "Annual Assessment for operating Pumps and Works," in the Assessment Schedule contained in the 3rd enacting clause of this by-law, shall be assessed and levied (in the same manner and at the same time as other taxes are levied and collected) upon and from the respective lots and parts of lots and roads specially set forth opposite thereto in said Schedule, in each year during the continuance in operation of the said works.

6th. That for the purpose of paying in each year the said sum of $47.75, being the proportion of said sum of $1,276.50 required yearly for maintaining and operating the said Forbes Drainage Works, assessed as aforesaid against the said roads of the Municipality, a special rate on the dollar, sufficient to raise in each year the sum of $47.75 shall over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the said Township of Tilbury East in each year after the date of the final passing of this By-law during the continuance in operation of the said works.

7th. Should the said sum of $1,276.50 be found in any year to be less or more than is necessary for the requirement of said works, the said Corporation may by resolution or By-law direct that the total levy for that year under the fifth and sixth enacting clauses, hereof, shall be more or less than the said sum of $1,276.50 as the case may require, but said assessments shall in every case be pro rata assessments according to the proportions of the assessment as determined by said clauses of this By-law.

8th. This By-law shall be published once in every week for four consecutive weeks in the *Tilbury Times* newspaper, published in the Village of Tilbury, and shall come into force and take effect upon and after the final passing thereof, and may be cited as "The Forbes Repairs By-law, 1909."

9th. The assessments provided for by the fifth and sixth enacting clauses of this By-law shall be levied and collected in place of and in substitution for: (1) The annual assessment heretofore levied and collected under By-law No. 8 of 1887 to cover the annual cost of operating and maintaining the said Pumping Station No. 1 of said Forbes Drainage Works; and (2) the annual assessment here-

tofore

tofore levied and collected under By-law No. 7 of 1894 to cover the annual cost of operating and maintaining said Pumping Station No. 2 of the said Works; and all the moneys that shall be collected under the said fifth and sixth enacting clauses of this By-law shall be kept by the Treasurer of the said Municipal Council of Tilbury East as a separate fund, under his charge, and shall be applied by him under the direction of said Council, solely for the purpose of paying the annual cost of operating and maintaining the said Forbes Drainage Works and the said Pumping Stations thereof.

Finally passed the 26th day of September, A. D. 1910.

(Sgd.) JOHN J. IRWIN, *Reeve.*

(L.S.)

(Sgd.) ALEX. FARQUHARSON, *Clerk.*

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CHAPTER

# CHAPTER 126.

## An Act respecting the City of Toronto.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the City of Toronto has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas under a certain agreement, dated the 16th day of November, 1892, set forth in Schedule "A" to the Act passed in the fifty-sixth year of the reign of Her late Majesty Queen Victoria, Chaptered 102, and made between the Corporation of the County of York and the Toronto and Scarborough Electric Railway, Light and Power Company, Limited, the said Electric Railway, Light and Power Company acquired the right to construct, maintain, complete and operate certain railway franchises over, along and upon the Kingston Road, as set forth in the said agreement, for the period of twenty years from the said 16th day of November, 1892; and whereas *The Street Railway Act* then in force enabled the said County at the expiration of the said franchises to assume the ownership of the railways and tramways of the Company, its successors or assigns and the real and personal property connected therewith; and whereas the Corporation of the City of Toronto has succeeded to the rights and property of the said County in the said Road, within the present limits of the City of Toronto, and the Toronto and York Radial Railway Company has acquired the privileges and franchises of the said Toronto and Scarborough Electric Railway, Light and Power Company, Limited; and whereas the said Corporation on the 31st day of October, 1911, passed By-law Number 5860, set out as Schedule "A" hereto, for the purpose of giving notice to the Toronto and York Radial Railway Company of the intention of the Corporation of the City of Toronto to assume the ownership of the railway as therein set forth; and whereas the said Corporation did give to the said railway company the notice set out as Schedule "B" hereto; and whereas it is desirable that the said By-law and Notice should be confirmed to the extent hereinafter mentioned and that the said Corpora-

tion

tion should be authorized to acquire and take over the said railway within the present limits of the said City of Toronto; and whereas to enable the said Corporation more readily and profitably to dispose of debentures issued thereunder, it is desirable that the by-laws specified in Schedules "C" and "D" should be confirmed; and whereas the by-laws specified in Schedule "C" have been submitted to and approved of by the ratepayers; and whereas it is expedient to grant the prayer of the said petition:—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to purchase and operate motor cars, omnibuses, etc.

**1.** The Corporation of the City of Toronto may purchase, build, equip, maintain and operate in, along and over such streets of the City, as the Council may determine, motor cars, omnibuses or other vehicles for the transportation of passengers within the City, and may with the assent of the ratepayers qualified to vote upon by-laws for the creation of debts pass such by-laws as may be necessary to raise the money for such purposes.

Power to acquire land for and to erect model houses.

**2.** The Council of the said City may, with the assent of the electors qualified to vote on by-laws for the creation of debts, guarantee the bonds of any person, firm or company incorporated for the purpose of erecting model houses within or without the municipality and without the assent of such electors may pass a by-law or by-laws for the issue of debentures to raise money to pay any indebtedness arising from any such guarantee.

10 Edw. VII., c. 135, s. 11, amended.

**3.** Section 11 of the Act passed in the tenth year of the reign of His late Majesty King Edward the Seventh, Chaptered 135, is amended by adding thereto the following proviso:

"Provided, however, that any debt which may be incurred by the Corporation for the construction and maintenance of underground railways in pursuance of this Act shall not be counted as part of the general debenture debt of the said City."

Power to borrow $200,000 for completion of Water Works intake pipe.

**4.** The Council of the said City may, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws for the issue of "City of Toronto Consolidated Loan Debentures" to raise *$200,000* to pay for expenditures in connection with the completion of the repairs to and in the extension of the Water Works Intake Pipe.

By-law 5860 and notice thereunder confirmed.

**5.**—(1) By-law Number 5860, passed by the Council of the said Corporation on the 31st day of October, 1911, and the Notice, dated the 4th day of November, 1911, given thereunder by the said Corporation to the Toronto and York Radial Railway Company, and set forth as Schedules "A" and "B" hereto, are hereby declared to be legal, valid and binding, to the extent hereinafter mentioned, and the said Corporation may acquire the railway or tramway and any extension of same now operated by the said company under the franchise granted by the Corporation of the County of York to the Toronto and Scarborough Electric Railway, Light and Power Company, Limited, by Agreement dated the 16th day of November, 1892, set forth in Schedule "A" to the Act passed in the fifty-sixth year of the reign of Her late Majesty Queen Victoria, Chaptered 102, within the present limits of the said City of Toronto.

Power to acquire railway.

(2) The said Corporation may acquire the said railway and all the real property used in connection with the operation thereof within the present limits of the said city under the provisions of the said Agreement, dated the 16th day of November, 1892, and under the provisions of the *Street Railway Act*, being chapter 171 of the Revised Statutes of Ontario, 1887 (as provided by the said agreement), notwithstanding the repeal of the said Act.

When ownership may be assumed.

(3) The said Corporation may assume the ownership and possession of the said railway and real property within the present limits of the said city, on or after the 16th day of November, 1912, being the date of the expiration of the said Agreement, whether the arbitration to be held to fix the value thereof has or has not been completed, on paying such sum of money into the High Court of Justice as a Judge of the High Court may order.

Acquiring personal property.

(4) The said Corporation shall also acquire and assume such personal property of the said railway used in connection with the operation thereof as the Ontario Railway and Municipal Board may determine that the said Corporation should acquire.

Running rights on certain lines.

(5) In case either the Toronto and York Radial Railway Company or the Corporation of the City of Toronto shall construct a line of railway on the township line between the Townships of York and Scarborough, running rights thereon shall be given by the one to the other on terms to be determined by agreement or, failing agreement, on terms to be settled by the Ontario Railway and Municipal Board.

Arbitration.

(6) All or any arbitrations under this Act had between the said Corporation and the said railway shall be held before and determined by the Ontario Railway and Municipal Board.

Power to borrow.

(7) The said Corporation may, with the assent of the ratepayers qualified to vote upon by-laws for the creation of debts, pass a by-law or by-laws for the issue of debentures for the purpose of raising the money necessary to carry out the provisions of this section, and such debentures shall not be counted as part of the general debenture debt of the City.

By-laws specified in Schedule "C" confirmed.

**6.** The by-laws of the said Corporation specified in Schedule "C" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made, and all rates levied or to be levied for the payment thereof, are validated and confirmed, and the said Corporation is declared to have had power to pass, issue and levy the same.

By-laws specified in Schedule "D" confirmed.

**7.** The by-laws of the said Corporation specified in Schedule "D" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made, and all rates levied or to be levied for the payment thereof, are validated and confirmed, and the said Corporation is declared to have had power to pass, issue and levy the same.

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SCHEDULE "A."

No. 5860. A By-law

To provide for the giving of notice to the Toronto and York Radial Railway Company of the intention of the Municipality of the City of Toronto to assume the ownership of certain railways or tramways.

[Passed October 31st, 1911.]

Whereas by Letters Patent, dated on or about the 18th day of August, A.D. 1892, and issued under the Ontario Joint Stock Companies' Letters Patent Act, the Toronto and Scarborough Electric Railway, Light and Power Company (Limited) was incorporated for the following, among other purposes, that is to say: Subject to the provisions of the Street Railway Act, to construct, maintain, complete and to operate by electricity a street railway;

And whereas under the provisions of the Street Railway Act certain By-laws were passed by the Municipal Councils of the County of York and the Village of East Toronto, authorizing the said Company to construct and operate their railway over, along and upon certain streets, roads and highways in the said municipalities, subject to certain agreements, to wit: a certain agreement dated the 16th day of November, 1892, between the said Company and the Corporation of the County of York, whereby the said Company was permitted to construct and operate its railway over, along and upon the Kingston Road, from its westerly termination at the north limit of Queen Street, in the City of Toronto, or so far westerly on the Kingston Road as the said County of York could grant such rights and privileges, easterly along the said Kingston Road to the easterly limit of the County of York; and a certain other agreement between

the

the said Company and the Corporation of the Village of East Toronto, dated the 16th day of November, A.D. 1892, whereby the said Company was permitted to construct and operate its railway over, along and upon Gerrard Street, within the limits of the Village of East Toronto, and certain other streets within said limits as set out in said agreement;

And whereas by By-law No. 161 of the Village of East Toronto, passed on the 26th day of May, 1894, the said Company was authorized to extend its lines over and upon certain parts of Walter Street, Lyall Avenue, Mary Street and Morton Road, in said Village;

And whereas, under the terms of said agreements and said By-law and the Street Railway Act, the said Company has constructed a single track railway, with the necessary switches, etc., over, along and upon the Kingston Road, from its intersection with the northerly limit of Queen Street to the easterly limit of the County of York, and over, along and upon Walter Street, from the Kingston Road to Lyall Avenue, and Lyall Avenue, from Walter Street to Mary Street (now Kimberly Avenue), and on Mary Street (now Kimberly Avenue), from Lyall Avenue to Gerrard Street, and on Gerrard Street, from Mary Street (now Kimberly Avenue) to Main Street, all said railway being now within the limits of the City of Toronto;

And whereas the franchises or rights granted to the said Company under the said agreements were for a period of twenty years from the date of the said agreements;

And whereas the said agreement with the County of York provided that the said railway and the real and personal property connected therewith might, at the expiration of such period, be assumed by the municipality, as provided by the Street Railway Act;

And whereas, by the said Street Railway Act, it is enacted that the municipality may assume the ownership of said railway and all real and personal property in connection with the working thereof, on the terms therein set out, after giving six months' notice prior to the expiration of the period limited;

And whereas by a certain order of the Ontario Railway and Municipal Board, dated the 29th day of September, 1908, the said Village of East Toronto (then the Town of East Toronto) was annexed to the City of Toronto and became a part thereof;

And whereas by two certain orders of the Ontario Railway and Municipal Board, dated respectively the 11th day of March, 1909, and the 12th day of November, 1909, all those parts of the Township of York, within which the Kingston Road was situate, were annexed to and became part of the City of Toronto;

And whereas the Toronto and York Radial Railway Company was incorporated by its private Act, enacted by the Legislative Assembly of the Province of Ontario in the 61st year of the reign of Her late Majesty Queen Victoria, and chaptered 66, and was thereunder empowered to acquire the railways and tramways constructed by the said The Toronto and Scarborough Electric Railway, Light and Power Company (Limited);

And whereas the said the Toronto and York Radial Railway Company have acquired the said railways and tramways, and are now the owners of and are operating the same;

And whereas the Corporation of the City of Toronto is desirous of assuming the ownership of the said railways and tramways constructed as aforesaid under the terms of the said agreements, and of all real and personal property of said Company in connection with the working thereof, and it is necessary to pass a By-law for giving the Toronto and York Radial Company, the present owners of the

franchises

franchises or rights granted by said agreements, the notice or notices required to be given under the terms thereof, and under the statute in that behalf;

Therefore the Council of the Corporation of the City of Toronto enact as follows:

I.

The Mayor and City Treasurer are hereby instructed to give to the Toronto and York Radial Railway Company, on or before the 15th day of November, 1911, the necessary notice or notices under the seal of the Corporation of the City of Toronto, that it is the intention of the Corporation of the City of Toronto, at the expiration of the term of the franchises granted by the said agreements with the County of York and the Village of East Toronto (as extended by said By-law No. 161), and under the terms and provisions of the said agreement with the County of York, and the Statute in that behalf made and provided, to assume the ownership of the railways or tramways now operated by the Toronto and York Radial Railway Company under said agreements and said By-law, and all the real and personal property in connection with the working thereof, on payment of the value of the same, to be determined by arbitration

W. A. LITTLEJOHN,
*City Clerk.*

[L.S.] G. R. GEARY,
*Mayor.*

Council Chamber,
Toronto, October 31st, 1911.

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SCHEDULE "B."

To the Toronto and York Radial Railway Company.

Take notice that the Corporation of the City of Toronto, under the terms and provisions of the agreement hereinafter mentioned, and the statute in that behalf made and provided, intends, at the expiration of the term of the privilege and franchise granted by the Corporation of the County of York to the Toronto and Scarborough Electric Railway, Light and Power Company, Limited, by agreement dated the Sixteenth day of November, A.D. 1892 (which franchise your Company now claims the right to exercise), to assume the ownership of the railway or tramway now operated by you under said franchise, together with all the real and personal property in connection with the working thereof.

Dated the 4th day of November, A.D. 1911.

Witness the Corporate Seal of the said Corporation of the City of Toronto and the hand of George Reginald Geary, Esquire, Mayor, and Richard Theodore Coady, Esquire, Treasurer and Keeper of the City Seal of the said Corporation of the City of Toronto.

G. R. GEARY,
*Mayor.*

R. T. COADY,
[City Seal.] *Treasurer and Keeper of the City Seal.*

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SCHEDULE "C."

| No. of By-law. | Nature of work under By-law. | When passed by Council | Total Cost of Work | Period of Payment | Rate of Inter't |
|---|---|---|---|---|---|
| 5918 | General Consolidated Loan Debentures, for completing and equipping the plant to distribute electric power in the City of Toronto | Jan. 22nd 1912 | $2,200,000 00 | 36½ years | 4% |
| 5933 | General Consolidated Loan Debentures, for building and equipping a double line of street railway on Danforth Avenue, from Broadview Avenue to a point 200 feet east of Greenwood Avenue | Feb. 5th 1912 | 139,488 00 | 24½ years | 4% |

SCHEDULE "D."

| No. of By-law. | Nature of work under By-law. | When passed by Council | Total Cost of Work | Amount to be Borne by City | Amount to be Borne by Ratepayers | Period of Payment | Rate of Int. |
|---|---|---|---|---|---|---|---|
| 5461 | Extension and grading of Albemarle Avenue | April 25th 1910 | $11,204 29 | $8,060 29 | $3,144 00 | 10 | 4 |
| 5462 | Extension and grading of Austin Avenue easterly to Marjory Avenue | " " | 1,708 89 | ..... | 1,708 89 | 10 | 4 |
| 5463 | Extension of Garnock Avenue westerly to Hampton Avenue. | " " | 377 09 | ..... | 377 09 | 5 | 4 |
| 5464 | Extension of Shaw Street, in Bracondale, southerly to Victoria Street | " " | 2,109 77 | ..... | 2,109 77 | 10 | 4 |
| 5465 | Extension of Galley Avenue easterly to Macdonell Avenue.. | " " | 1,861 89 | 465 47 | 1,396 42 | 10 | 4 |

SCHEDULE

SCHEDULE "D"—Continued.

| No. of By-law. | Nature of work under By-law. | When passed by Council | Total Cost of Work | Amount to be Borne by City | Amount to be Borne by Ratepayers | Period of Payment | Rate of Int. |
|---|---|---|---|---|---|---|---|
| 5473 | Asphalt pavement, with concrete curbing, on Broadway Place, between a point distant 198 feet 7 inches west of Spadina Avenue and the west end of Broadway Place.... | May 13th 1910 | $1,924 32 | $24 97 | $1,899 35 | 10 | 4 |
| 5474 | Extension of Follis Avenue, from Manning Avenue, westerly to Christie Street ..... | " " | 1,868 58 | 476 30 | 1,392 28 | 5 | 4 |
| 5602 | General Consolidated Loan Debentures, to provide additional accommodation at the House of Industry ..... | Dec. 19th 1910 | 12,308 00 | 12,308 00 | ..... | 10 | 4 |
| 5654 | General Consolidated Loan Debentures, for purchasing parks and playgrounds ..... | Feb. 6th 1911 | 153,300 00 | 153,300 00 | ..... | 37 | 4 |
| 5687 | General Consolidated Loan Debentures, for constructing, reconstructing and enlarging certain public schools, and purchasing and enlarging school sites ..... | April 18th 1911 | 618,462 00 | 618,462 00 | ..... | 37 | 4 |
| 5698 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1910 ..... | " " | 296,967 91 | 74,905 08 | 222,062 83 | 10 | 4 |
| 5699 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1910 ..... | " " | 214,698 91 | 49,303 07 | 165,395 84 | 10 | 4 |
| 5700 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain concrete pavements constructed in the year 1910 ..... | " " | 13,426 54 | 3,579 51 | 9,847 03 | 10 | 4 |

SCHEDULE

66s

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 5701 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain concrete curbings constructed in the year 1910 | " | " | 15,050 32 | 3,103 97 | 11,946 35 | 10 | 4 |
| 5702 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain sewers constructed in the year 1910 | " | " | 67,675 53 | 1,585 32 | 66,090 21 | 10 | 4 |
| 5703 | Extension of Thorold Street | " | " | 3,484 65 | ..... | 3,484 65 | 10 | 4 |
| 5704 | Extension of Hunter Street, from its former easterly terminus easterly to Beresford Avenue | " | " | 1,119 28 | ..... | 1,119 28 | 10 | 4 |
| 5705 | Treated wood block pavement on Yonge Street, between Front Street and King Street | " | " | 11,201 97 | 3,000 42 | 8,201 55 | 10 | 4 |
| 5706 | Tarvia macadam pavement on Beverley Street, between Queen Street and College Street | " | " | 7,776 11 | 2,135 94 | 5,640 17 | 3 | 4 |
| 5707 | Asphalt block pavement, with concrete gutters, on John Street, between King Street and Wellington Street | " | " | 5,146 29 | 2,039 94 | 3,106 35 | 10 | 4 |
| 5708 | Widening of Gore Vale Avenue, between Queen Street and a point distant 822 feet more or less north of Queen Street | " | " | 3,085 27 | ..... | 3,085 27 | 10 | 4 |
| 5709 | Extension of Irene Place, from its former easterly terminus to Shaw Street. | " | " | 2,279 86 | ..... | 2,279 86 | 10 | 4 |
| 5710 | Extension of Margueretta Street northerly to Wallace Avenue | " | " | 1,815 02 | ..... | 1,815 02 | 10 | 4 |
| 5711 | Extension of Marshall Street, from its former easterly terminus to Sheridan Avenue | " | " | 1,168 44 | ..... | 1,168 44 | 10 | 4 |

SCHEDULE "D"—Continued.

| No. of By-law. | Nature of work under By-law. | When passed by Council | Total Cost of Work | Amount to be Borne by City | Amount to be Borne by Ratepayers | Period of Payment | Rate of Int. |
|---|---|---|---|---|---|---|---|
| 5714 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain brick and vitrified block pavements constructed in the year 1910 | May 1st 1911 | $64,663 29 | $14,384 40 | $50,278 89 | 10 | 4 |
| 5715 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain sewers constructed in the year 1910 | " " | 64,743 81 | 13,888 03 | 50,855 78 | 10 | 4 |
| 5716 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1910 | " " | 284,605 76 | 45,872 50 | 238,733 26 | 10 | 4 |
| 5717 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1910 | " " | 4,484 46 | 476 07 | 4,008 39 | 3 | 4 |
| 5718 | Local Improvement Debentures, to defray the ratepayers' share of the cost of grading certain streets in 1910 | " " | 6,737 69 | 478 90 | 6,258 79 | Various. | 4 |
| 5719 | Extension of Prust Avenue, from its former terminus southerly to Gerrard Street | " " | 1,357 24 | ..... | 1,357 24 | 5 | 4 |
| 5720 | Extension of Marjory Avenue, from its former south terminus southerly to Dagmar Avenue | " " | 1,556 87 | ..... | 1,556 87 | 10 | 4 |
| 5721 | Widening of Duncan Street, from Adelaide Street northerly to Queen Street | " " | 87,506 51 | 52,503 91 | 35,002 60 | 20 | 4 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 5722 | Extension of Harbord Street, from Clinton Street to Ossington Avenue | " " | 115,022 36 | 81,492 28 | 33,530 08 | 10 | 4 |
| 5731 | Public Library Debentures, for acquiring site, erecting necessary buildings and equipment for Branch Library in vicinity of Bloor Street and Dovercourt Road, and for purchasing books, and to complete the equipment of other Branch Libraries | May 15th 1911 | 76,923 00 | 76,923 00 | ..... | 20 | 4 |
| 5740 | Extension of Glen Road, from its formerly northerly terminus at Roxboro Street northerly to Summerhill Avenue | May 29th 1911 | 14,961 99 | ..... | 14,961 99 | 10 | 4 |
| 5741 | Local Improvement Debentures consolidating broken amounts, being the ratepayers' share named in certain Local Improvement By-laws | " " | 941,786 74 | ..... | 941,786 74 | Various. | 4 |
| 5742 | Local Improvement Debentures consolidating the City's proportion of the amounts named in certain Local Improvement By-laws | " " | 348,749 34 | 348,749 34 | ..... | Various. | 4 |
| 5776 | General Consolidated Loan Debentures, for repairs to the waterworks intake pipe, and for a new intake and six-foot steel conduit and additional water mains for the water system of the City | July 6th 1911 | 745,173 00 | 745,173 00 | ..... | 37 | 4 |
| 5823 | General Consolidated Loan Debentures, for laying out, paving and improvement of roads in the Exhibition Grounds | Aug. 25th 1911 | 76,923 00 | 76,923 00 | ..... | 10 | 4 |
| 5901 | General Consolidated Loan Debentures, for part of City's share of cost of work known as Part I. of Toronto grade separation | Dec. 26th 1911 | 348,719 00 | 348,719 00 | ..... | 36½ | 4 |

CHAPTER

# CHAPTER 127.

## An Act respecting The City of Toronto.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the City of Toronto has, by petition, prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said City has asked for authority to issue debentures to the amount of $1,344,124.00 to cover the cost of certain works and improvements of an urgent and necessary character; and whereas the said Corporation, by By-law No. 5418 passed on the 24th day of January, 1910, after receiving the assent of the electors qualified to vote thereon, provided for the issue of debentures to the amount of $320,000, for the erection and improvement of certain buildings in the Exhibition Park; and whereas certain of the buildings specified in the said By-law have not been erected, and are not now considered necessary, and the said City has asked for authority to expend the unexpended balance of moneys raised under the said by-law for buildings in the said Exhibition Park, other than those set out in the said By-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow for certain purposes without assent of ratepayers.

**1.** The Council of the said Corporation may, without submitting the same to the ratepayers, qualified to vote on money by-laws, pass such by-laws as may, from time to time, be necessary to authorize the issue of City of Toronto Consolidated Loan Debentures to such amount as may be necessary to raise the sum of $1,344,124.00, for the following purposes:

NEW BRIDGES.

| | |
|---|---|
| Crawford Street, reinforced concrete arch with girder span approaches ..... | $29,450 00 |

| | |
|---|---|
| Strachan Avenue, two steel plate girder spans, concrete floor, Class A, exclusive of land damages | 58,200 00 |
| Riverdale foot bridges, raising river span and adding two new spans over railway tracks | 12,000 00 |
| Gerrard Street Bridge, new bridge and river span— | 200,000 00 |
| Weston Road Bridge | 14,118 00 |
| Dundas Street Bridge | 11,800 00 |

NEW FIRE HALLS.

| | |
|---|---|
| Greenwood Avenue Fire Hall | $30,000 00 |
| Purchase price of site | 7,064 00 |
| Wychwood Fire Hall | 30,000 00 |
| Purchase price of site | 7,004 00 |
| Roncesvalles Avenue Fire Hall | 25,000 00 |
| Purchase price of site | 29,469 00 |
| Spare stable and supply storehouse, in rear of the Adelaide Street Fire Hall | 8,000 00 |
| Purchase of site and erection of Fire Hall, Earlscourt | 25,000 00 |

WATERWORKS DEPARTMENT.

| | |
|---|---|
| 2 36 inch mains under tracks, main pumping station to Front Street | $44,459 00 |
| 42 inch main along Front Street to Bathurst Street | 55,048 00 |
| 24 inch main along Niagara Street to Queen Street | 33,535 00 |
| 36 inch main cross town line, Beverley Street to Sumach Street | 148,477 00 |
| 2 15 million gallon triple expansion engines, including buildings and connections | 350,000 00 |
| 20 inch high pressure fire main under tracks on John Street to Queen Street | 76,000 00 |
| 12 inch main, Coxwell Avenue, Gerrard to Danforth | 7,500 00 |

SPECIAL SEWERS.

| | |
|---|---|
| Cherry Street, sewer diversion | $24,000 00 |
| Ossington Avenue, Manchester Avenue to C.P.R. | 24,000 00 |
| Garrison Creek extension, Bloor to Shaw | 40,000 00 |
| Sherbourne Street extension to south side Lake Street | 14,000 00 |
| Queen Street, Ashdale Ave. to Eastern Ave. | 40,000 00 |

and

and for such purposes, or any of them, may issue any number of debentures payable in this Province, or elsewhere, in sums of not less than one hundred dollars each, which may be payable at any time within thirty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent, per annum, payable half-yearly, and for the purpose of redeeming such debentures and paying the interest thereunder, the Council of the Corporation of the City of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor impose a rate per annum upon ratable property in the said municipality over and above and in addition to all other rates to be levied in each year, which shall be sufficient, over and above the interest payable on such debentures, to form a sinking fund to pay off the said debentures at maturity.

Power to expend certain money for the creation of buildings in Exhibition Park.

**2**. The said Corporation may expend the moneys raised under By-law No. 5418 of the said Corporation, passed on the 24th day of January, 1910, for raising the sum of $320,000 for the erection and improvement of certain buildings in the Exhibition Park, as set out in the said By-law, which by-law received the assent of the electors qualified to vote thereon at the annual municipal election on January 1st, 1910, for buildings in the Exhibition Park other than those set out in the said By-law on the recommendation of the Directors of the said Exhibition.

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CHAPTER

## CHAPTER 128.

## An Act to confirm By-law No. 95 of the Town of Webbwood.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Town of Webbwood has by petition represented that the construction of the concrete sidewalks provided for in By-law No. 95 of the said Corporation was desirable in the public interest and that a number of the ratepayers whose properties would be benefited thereby had requested members of the Council to procure the same to be constructed; that the Council proceeding on the initiative plan had given due notice of the intention of the Council to undertake the construction of the same as local improvements and to assess a part of the cost thereof upon the real property specially benefited thereby; that the majority of the owners of such real property representing at least one-half in value thereof, did not petition the Council against the same; that by inadvertence the said initiating notice stated that the cost of the said sidewalks would be divided into three equal annual payments; that the said walks were constructed pursuant to the said notice and paid for by moneys borrowed by way of temporary loans; that upon proceeding to pass a by-law to provide for the issue of debentures to pay for the said sidewalks the said error in the initiating notice was observed and the owners of the properties benefited, represented to the Council that they had expected to have a long term of years in which to pay for the said sidewalks and that to pay for the same in three annual payments would be unduly oppressive to all the said owners and requested that the payment might be extended over a much longer term; that the petitioners had not intended to require the said cost to be paid in three annual payments and in order to relieve the burden upon the owners and the ratepayers they had decided to make the cost of the said sidewalks payable in ten annual payments, being many years within the probable lifetime of the said sidewalks, and for that purpose had duly passed By-law No. 95, a copy of which is set out as Schedule "A" hereto; that the said by-law was passed on the 7th day of August, 1911, but that doubts

have

have arisen respecting the validity of the said by-law and by reason thereof the petitioners have been unable to sell debentures issued under the said by-law and are unable to pay off the said temporary loans, and the said Council has by its petition prayed that an Act may be passed confirming and legalizing the said by-law and the rates thereby imposed; that the moneys authorized by the said by-law to be borrowed may be borrowed upon the credit of the corporation at large, and that debentures may be issued under the said by-law upon the credit of the Corporation at large and that all such debentures shall be valid and binding upon the Corporation.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 95 of town Webbwood confirmed.

**1**. By-law No. 95 of the Corporation of the Town of Webbwood, set out in Schedule "A", hereto is confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof. The rates imposed by the said by-law for the payment of the debt authorized by the said by-law and the interest thereon are also confirmed and declared to be valid and binding upon the Corporation and upon the lands referred to in the said by-law.

Authority to borrow.

**2**. The moneys authorized by the said by-law to be borrowed may be borrowed upon the credit of the Corporation at large, and the debentures authorized by the said by-law to be issued may be issued upon the credit of the Corporation at large, and such debentures shall be valid and binding upon the corporation of the Town of Webbwood and it shall not be necessary for the purchasers of such debentures to inquire into the validity of the proceedings relating to the issue of the same.

BY-LAW NUMBER 95

A By-law relating to the construction of certain concrete walks in the Town of Webbwood, and to authorize the issue of debentures for the sum of $5,004.46, to pay for the same.

Whereas, in the opinion of the Council of the Corporation of the Town of Webbwood it became desirable and necessary to construct the following concrete walks, namely:—

1. Both sides of O'Neil Street from Main Street to Yonge Street.
2. The north side of Yonge Street from gaol corner to O'Neil Street.
3. Both sides of Main Street from Nelson Street to O'Neil Street.
4. North side of Yonge Street from O'Neil Street to Nelson Street.
5. Both sides of Nelson Street from Main Street to Yonge Street.

as a local improvement;

And the said Council thereupon gave due notice of their intention to pass a By-law for that purpose, and to assess the final cost thereof to the extent of thirty-three and a third per cent. thereof upon the properties

properties fronting or abutting on the said streets, the remaining sixty-six and two-thirds per cent. to be assumed and paid by the Town;

And whereas, although duly notified as aforesaid, the majority of the owners of such real property, representing at least one-half of the value thereof, have not petitioned the said Council against the said work;

And whereas, the said sidewalks have been constructed and the total cost thereof is the sum of $5,004.46, which is the amount of the debt intended to be created by this By-law, of which the sum of $1,829.44 is assessed upon the properties fronting or abutting the said sidewalks, as set forth in the Schedule hereto annexed and marked "A," and the sum of $3,175.02 is the Municipality's share of the cost;

And whereas, the said sum of $5,004.46 has been raised by way of temporary loan, and the said sidewalks paid for;

And whereas, it is desirable to consolidate the several amounts and issue the debentures in one consecutive issue;

And whereas, the value of the whole rateable property of the said Municipality, according to the last revised assessment roll, is the sum of $171,380.00;

And whereas the amount of the existing debenture debt of the said Municipality is the sum of $1,805.17, and no part of either principal or interest is in arrears;

And whereas the said sum of $1,829.44, part of the debt to be created under this By-law, is created on the security of the special rates settled by the By-law, and is further guaranteed by the Municipality at large;

And whereas it is desirable to make the principal of the said debt repayable by annual instalments during the period of ten years, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period;

And whereas it will be necessary to raise annually in each year for the period of ten years, during the currency of the debentures to be issued under this By-law, the sum of $648.10 for paying the several instalments of principal and interest, such annual sum to be made up as follows: For the purpose of paying the said sum of $1,829.44 assessed on the said real property and the interest thereon, it will be necessary to raise annually for the said term of ten years the sum of $236.92, and for the purpose of paying the said sum of $3,175.02 payable by the said Municipality and interest, it will be necessary to raise annually the sum of $411.18 for the said term of ten years;

Therefore, the Municipal Council of the Corporation of the Town of Webbwood, enacts as follows:—

1. For the purpose aforesaid it shall be lawful for the Corporation to borrow on the security of the special rates hereby imposed and of the guarantee of the Municipality the sum of $5,004.46, and for that purpose to issue debentures of the Corporation of the Town of Webbwood for the sum of $5,004.46, which said debentures shall have coupons attached thereto for payment of interest, and that the moneys so to be raised shall be applied and expended in paying off and discharging the temporary loans heretofore obtained for the construction of the said sidewalks and in no other way and to no other purpose.

2. The said debentures shall bear interest at the rate of five per cent. per annum payable yearly, and as to both principal and interest shall be payable at the Traders Bank of Canada at Webbwood, and shall be dated the 14th day of August, A.D. 1911.

3. The Mayor of the said Municipality shall sign and issue the said debentures and coupons and cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the corporate seal of the said Municipality to the said debentures.

4. The said debentures shall be payable in ten annual instalments, and the respective amounts of principal and interest payable during each of the said years shall be as follows:—

| Date of Payment. | Principal | Interest. | Total. |
|---|---|---|---|
| February 1st, 1912 | $397 88 | $250 22 | $648 10 |
| " " 1913 | 417 77 | 230 33 | 648 10 |
| " " 1914 | 438 66 | 209 44 | 648 10 |
| " " 1915 | 460 59 | 187 51 | 648 10 |
| " " 1916 | 483 62 | 164 48 | 648 10 |
| " " 1917 | 507 80 | 140 30 | 648 10 |
| " " 1918 | 533 19 | 114 91 | 648 10 |
| " " 1919 | 559 85 | 88 25 | 648 10 |
| " " 1920 | 587 85 | 60 25 | 648 10 |
| " " 1921 | 617 24 | 30 86 | 648 10 |

5. That for the purpose of paying the said instalments of principal and interest as the same become due respectively, during ten years, the currency of the debentures to be issued under this By-law the sum of $648.10 shall be raised annually as follows: The sum of $236.92 shall be raised annually for the payment of that part of the debt and interest assessed upon the properties fronting or abutting the said sidewalks and for that purpose the special rates set forth in the Schedule hereto annexed, which is hereby declared to form part of this By-law, are hereby imposed on the real property of the ratepayers mentioned and described therein, above all other rates and taxes, which special rates are sufficient to produce in each year the sum of $236.92, and shall be annually inserted in the collector's roll of the said Municipality, and shall be payable to and collected by him in the same manner and at the same time as other rates on the said roll, and the further sum of $411.18 shall be raised annually for the payment of that part of the said debt and interest to be paid by the Municipally, which said sum shall be levied and raised annually by a special rate sufficient therefor above all other rates on all the rateable property in the said Municipality at the same time and in the same manner as all other rates.

6. That the debt to be created on the security of the special rates settled by this By-law be and the same is hereby guaranteed by the Municipality.

7. This By-law shall come into operation and take effect on the day of the final passing thereof.

Done and passed, in Open Council, this 7th day of August, A.D. 1911.

THOS. BRIMSMEAD,
*Clerk.*

J. C. MCMILLAN,
*Mayor.*

Name

| Name of Owner. | Description of Land. | Frontage—Feet. | Sq. Feet. | Extras. | Annual Rate per Sq. Foot. | Annual rate per Sq. Ft. for Extras. | Amount of Annual Assessment commuted for 10 years Interest at 5 per cent. | |
|---|---|---|---|---|---|---|---|---|
| Wolverine Lumber Co. | 9 & 10 Nelson St. | 120 | 762 | ..... | .00982076 | .0294622 | $ 57 76 | $ 7 48 |
| M. Doyle | 11 & 12 Younge St. | 120, Nelson St. 100, Younge St. | 1,368 | ..... | " | " | 103 69 | 13 43 |
| F. Fisher | 13 Younge St. | 50 | 300 | ..... | " | " | 22 74 | 2 94 |
| Wm. Rollins | 14 " | 50 | 300 | ..... | " | " | 22 74 | 2 94 |
| White Pine Co. | 15 " | 50 | 300 | ..... | " | " | 22 74 | 2 94 |
| John Graham | 16 " | 50 | 300 | 105.16 | " | " | 46 66 | 6 07 |
| Robert Thompson | 17 " | 50 | 300 | 77.76 | " | " | 40 43 | 5 24 |
| S. Minden | 20 O'Neil | 40 | 240 | ..... | " | " | 18 19 | 2 35 |
| N. Lesser | 20 O'Neil and Younge | 80 | 522 | ..... | " | " | 39 56 | 5 13 |
| L. P. Metenier | 21 O'Neil St. | 60 | 360 | 185.15 | " | " | 69 41 | 8 98 |
| H. Akey | ½ 20 & 22 Younge St. | 90 | 540 | 39.42 | " | " | 49 90 | 6 98 |
| D. Stewart | ½ 23 Younge St. | 25 | 150 | 13.32 | " | " | 14 39 | 1 86 |
| P. Rodgers | ½ 23 " | 25 | 150 | ..... | " | " | 11 37 | 1 47 |
| A. J. Hornsey | 24 & 25 " | 84 | 504 | ..... | " | " | 38 21 | 4 95 |
| C.P.R. | 25 & 26 " | 16 | 91.20 | ..... | " | " | 6 91 | 89 |
| M. Donohue | 26 " | 51½ | 314.40 | 147.71 | " | " | 56 07 | 7 26 |
| Miss M. McLandress | 27 & 29 " | 100 | 600 | 142.71 | " | " | 77 95 | 10 09 |
| John McPhee | 29 " | 50 | 342 | ..... | " | " | 25 92 | 3 35 |
| P. Dupuis | 30 " | 100 | 642 | ..... | " | " | 48 66 | 6 30 |
| Mrs. T. Prendergast | 32 & 33 " | 100 | 600 | ..... | " | " | 45 48 | 5 88 |
| J. Malloy | 34 " | 50 | 300 | ..... | " | " | 22 74 | 2 94 |
| McFadden & Malloy | 35, 36 & 37 Younge St. | 150 | 900 | ..... | " | " | 68 22 | 8 82 |
| L. Hoeffler | 38 Younge St. | 100 | 618 | ..... | " | " | 46 84 | 6 07 |
| N. Lesser | 58 O'Neil St. | 60 | 360 | 57.19 | " | " | 40 29 | 5 21 |
| Dr. Jones | 59 " | 60 | 402 | 75.12 | " | " | 47 56 | 6 15 |
| Trotter | 60 Main and O'Neil. | 100, Main St. 60, O'Neil St. | 1,008 | 97.31 | " | " | 98 54 | 12 76 |

Name

| Name of Owner. | Description of Land. | Frontage—Feet. | Sq. Feet. | Extras. | Annual Rate per Sq. Foot. | Annual Rate per Sq. Ft. for Extras. | Amount of Annual Assessment commuted for 10 years. Interest 5 per cent. | |
|---|---|---|---|---|---|---|---|---|
| M. Doyle | 61 & 18 O'Neil St. | 63 | 378 | ..... | .00982076 | .0294622 | $ 28 35 | $ 3 71 |
| S. Minden | 61 O'Neil St. | 45 | 270 | ..... | " | " | 20 46 | 2 65 |
| S. Chant | 62 Main St. | 50 | 300 | 73.36 | " | " | 39 42 | 5 10 |
| M. E. Doyle | 19 Younge Street | 13 | 78 | ..... | " | " | 5 85 | 76 |
| Traders' Bank | 63 Main St. | 25 | 150 | 96.35 | " | " | 33 29 | 4 31 |
| J. Dugan | 63 " | 25 | 150 | ..... | " | " | 11 37 | 1 47 |
| D. McChesnie | 64 & 65 Main St. | 55 | 330 | 27.50 | " | " | 31 26 | 4 04 |
| J. C. McMillan | 65 & 66 " | 95 | 570 | 47.50 | " | " | 54 00 | 6 99 |
| C. Purvis | 67 & 68 Nelson and Main | 100, Main St. 120, Nelson St. | 1,368 | ..... | " | " | 103 69 | 13 42 |
| Thos. Rollins | 69 Nelson St. | 60 | 402 | ..... | " | " | 30 47 | 3 94 |
| C. A. Purvis | 87 Main St. | 100 | 642 | 70.84 | " | " | 64 77 | 8 38 |
| N. Lesser | 89 " | 50 | 300 | ..... | " | " | 22 74 | 2 94 |
| Dr. Jones | 90 & 91 Main St. | 100 | 600 | 48.51 | " | " | 56 51 | 7 31 |
| I. O. F. | 92 Main St. | 50 | 300 | 165.13 | " | " | 60 31 | 7 81 |
| S. J. Hawkins | 93 " | 50 | 300 | 26.26 | " | " | 28 71 | 3 71 |
| J. Spellman | 95 & 96 Main St. | 166 | 1,038 | 72.46 | " | " | 95 17 | 12 32 |

CHAPTER

## CHAPTER 129.

### An Act to confirm By-law No. 430 of the Town of Welland.

*Assented to 16th April, 1912.*

Preamble. WHEREAS, Goodwillie & Son, of the Township of Thorold in the County of Welland, have by petition represented that the Municipal Corporation of the Town of Welland duly passed By-law No. 430 fixing the assessment of the land and premises of the said Goodwillie & Son in the Town of Welland for a term of years as set out in said By-law, that the said By-law was submitted to the ratepayers and that out of 659 persons entitled to vote 398 voted for the By-law and 130 against it, and that in order to validate the said By-law and give the same full force and effect, it is desirable that an Act be passed confirming it; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 430 confirmed. **1.** By-law No. 430 of the Municipal Corporation of the Town of Welland in the County of Welland, passed on the twelfth day of January, A.D., 1912, and set out as Schedule "A" hereto, is fully confirmed.

SCHEDULE "A."

BY-LAW No. 430.

A By-law for fixing the assessment of the lands of Goodwillie & Son, for a term of years.

Whereas Goodwillie & Son, of the Township of Thorold, in the County of Welland, are proposing to locate a factory in the Town of Welland and have agreed in consideration of the passing of this By-law to erect a factory building for their purposes and to employ from fifty to one hundred workmen and women;

And whereas the Municipal Council of the Corporation of the Town of Welland have agreed to extend a sewer, free of cost to Goodwillie & Son, to the factory building to be erected on the land

hereinafter

hereinafter described and the Board of Water Commissioners of the said Town have agreed to supply sufficient water for use in the said factory free of charge;

And whereas the Municipal Corporation of the Town of Welland deem it advisable in the public interest to fix the assessment of the lands and premises and property of the said Goodwillie & Son, used solely for manufacturing purposes aforesaid, at the sum of Two Thousand Dollars ($2,000) for a period of twenty years.

Therefore the Municipal Corporation of the Town of Welland enacts as follows:

1. That from and after the First day of January, 1912, and continuously for the term of twenty years, namely: until the end of the year 1932, that portion of the lands of the said Goodwillie & Son being composed of part of Block "Y" as shown on the registered Plan of the Corporation of the Town of Welland more particularly described as follows:

Commencing at the point in the West limit of said Block "Y," being also the East limit of Burgar Street, where the North limit of Lot Number 120, being the South limit of Asher Street as shown on O. H. Garner's subdivision plan, produced easterly would intersect the said limit of Burgar Street; Thence North two degrees and eighteen minutes East along said limit of Burgar Street, sixty-six feet; Thence South eighty-seven degrees and fifty-four minutes East being parallel to the easterly production of the said South limit of Asher Street, one hundred and twenty feet; Thence North two degrees and eighteen minutes East, being parallel to the East limit of Burgar Street, one hundred and forty feet; Thence South eighty-seven degrees and fifty-four minutes East parallel to the said Easterly production of the South limit of Asher Street, three hundred and forty-six feet, more or less, to a point in the Westerly limit of the right of way of the Welland Railway; Thence Southerly along said limit of said right of way of said Railway, four hundred and ninety-nine feet and three inches, more or less, to the Northerly limit of land formerly conveyed to O. H. Garner; Thence westerly along said northerly limit of O. H. Garner's land, four hundred and eighty feet and three inches, more or less, to a point in the easterly limit of Burgar Street; Thence North two degrees and eighteen minutes East, along said limit of Burgar Street, two hundred and ninety-three feet and four inches, to the place of beginning; and the buildings, plant and appliances, machinery and tools of the said Goodwillie & Son on the said lands used for factory purposes only, which may not now but may hereafter become liable to taxation, shall be assessed at the sum of Two Thouand Dollars ($2,000) per year for all Municipal purposes except for school taxes and for local improvements.

2. That during the said period of twenty years the said Goodwillie & Son shall be exempt from payment of any and all water rates for water used in the said factory for factory purposes.

3. That the said lands, premises and property of the said Goodwillie & Son used solely for factory purposes shall be exempt from any and all special sewer rates or assessments.

4. This By-law shall take effect from and after the passing thereof.

5. The votes of the Electors of the said Town of Welland shall be taken on this By-law on the same day, at the same hours, at the same polling places, and by the same Deputy Returning Officers as for the Municipal Elections.

6. On Tuesday, the 26th day of December, 1911, the Mayor of the said Town of Welland shall attend at the Council Chamber at

eleven

eleven o'clock in the forenoon to appoint persons to attend the various polling places aforesaid, and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

7. The Clerk of the Council of the said Town of Welland shall attend at his office in the Town Hall of the said Town at ten o'clock in the forenoon of the second day of January, 1912, to sum up the number of votes for and against this By-law.

Read a first and second time in Council this twelfth day of January, 1912.

(Sgd.) GEORGE R. BOYD,
*Clerk.*

(Sgd.) G. W. SUTHERLAND,
*Mayor.*

(Seal.)

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## CHAPTER 130.

### An Act to confirm By-law No. 577 of the County of Wentworth.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Corporation of the County of Wentworth has by petition represented that on the thirtieth day of October, 1902, it passed By-laws numbers 476 and 477 for the purpose of assuming and designating the roads to be assumed or improved by the County under the provisions of the Act passed in the first year of the reign of His late Majesty King Edward the Seventh, chaptered 32, and intituled *An Act for the Improvement of Public Highways* and the plan of road improvement so adopted by By-law so approved by the Lieutenant-Governor in Council on the 22nd day of November, 1904; and whereas the amount of the expenditure authorized by the said By-law was $98,000; and whereas there has been an additional expenditure up to the 31st day of December, 1910, amounting to $271,658.88 for the purpose of building and improving the roads assumed and designated as aforesaid making a total expenditure for the Good Roads System in the County of Wentworth of $369,658.88; and whereas the Government of Ontario has paid out of the Consolidated Revenue Fund to the said Corporation of the County of Wentworth up to the 31st day of December, 1909, its proportion pursuant to the said Act amounting to $115,439.03; and whereas the said Corporation has not followed the proper procedure in providing for an expenditure in excess of the said sum of $98,000; and whereas the said Corporation on the 9th day of June, 1911, passed By-law number 577 approving of the expenditure of the said sum of $271,658.88 and authorizing and approving of the expenditure of a further estimated sum of $60,000 necessary to complete the assumption and improvement of the said County Road System making in all a total expenditure of $429,658.88 when the said Road System is completed; and whereas the said Corporation has by petition

prayed

prayed that the said By-law number 577 may be confirmed and declared to be legal, valid and binding; and whereas it is expedient to grant the prayer of the said petition:—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 577 of County of Wentworth confirmed, etc.

**1.**—(1) By-law number 577 of the Corporation of the County of Wentworth, set out as Schedule "A" hereto, is ratified, confirmed and declared legal, valid and binding on the said Corporation and the ratepayers thereof and shall be deemed to authorize the said Corporation to make a further expenditure of $60,000.

How further expenditure to be made.

(2) Such further expenditure of $60,000 may be made on the roads and parts of roads designated in the said By-laws Nos. 476 and 477 or on such other parts of them or on such other roads or parts of roads as may be designated by By-law of the said Corporation approved of by the Lieutenant-Governor in Council.

Past expenditure confirmed.

**2.** The expenditure of the said sum of $271,658.88 heretofore made by the Corporation of the County of Wentworth is hereby validated, ratified and confirmed.

SCHEDULE "A."

BY-LAW No. 577.

Whereas the County Council of the County of Wentworth took proceedings under the provisions of *The Toll Roads Expropriation Act, 1901.*

And whereas By-law No. 476 was duly passed on or about the Twenty-fifth day of December, 1902, pursuant to the said Act, and authorized the expenditure by the County of ninety-eight thousand dollars.

And whereas there has been an additional expenditure by the County up to the First day of December, 1910, of two hundred and seventy-one thousand six hundred and fifty-eight dollars and eighty-eight cents ($271,658.88).

And whereas the expenditure of this sum has not been approved of according to the requirements of the Statute by the passing of a By-law.

And whereas the Corporation of the County of Wentworth are desirous of passing the By-law pursuant to the Statute and having the same approved of by the Lieutenant-Governor in Council.

And whereas the estimated expenditure to complete the construction of the proposed work is $60,000.

And whereas the following is the entire list of roads which were controlled by the County prior to the year 1902:

Binkley Road, 1 1-8 miles.
Governor's Road, 4 miles.

And

And whereas the following is the list of the roads assumed by the County in 1902 under *The Toll Roads Expropriation Act of 1901*:

Dundas and Waterloo.
Ninth Concession.
Lynden Road.
Brock Road.
Sydenham Road.
Hamilton and Port Nelson Road.
Waterdown Road.
Port Flamboro' Road.
Town Line Road.
Caledonia Road.
Mount Albion Road.
Stoney Creek Road.
Binbrook Road.
Ancaster Road.
Green Road.

And whereas the following is a list of the roads acquired by the County since that time:

Beach Road.

It is hereby enacted by the Municipal Council of the County of Wentworth:

1. The said Municipal Council doth hereby approve of the aforesaid expenditure, amounting to $271,658.88.

2. The said Municipal Council doth hereby approve of the estimated expenditure aforesaid amounting to $60,000.

3. That a copy hereof, certified by the County Clerk be sent to the Provincial Auditor.

Passed this 9th day of June, 1911.

J. W. JARDINE,
*Clerk.*

WM. LAWSON,
*Warden.*

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CHAPTER

# CHAPTER 131.

## An Act respecting The Berlin and Bridgeport Electric Street Railway Company, Limited.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Berlin and Bridgeport Electric Street Railway Company, Limited, was incorporated on the seventh day of January, 1901, by Letters Patent under the Great Seal of Ontario, for the purpose of constructing a railway to be operated by electricity, between the points set out in the said Letters Patent, and to construct and operate works for the production, sale and distribution of electricity for the purpose of light, heat and power; and whereas the Company has by its petition prayed that an Act may be passed to re-incorporate the said Company under the name of "The Berlin and Northern Railway Company," increasing the capital stock of the Company to $400,000; authorizing the Company to construct, equip, own, maintain and operate an extension of its present railway from a point in or near the Village of Bridgeport, in the Township of Waterloo, in the County of Waterloo, to the Villages of Elora and Fergus, in the Township of Nichol, in the County of Wellington; and with power to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along the said railway, subject to the provisions of *The Power Commission Act*; and whereas it is expedient to grant the prayer of the said petition. 7 Edw. VII. c. 19.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

**1.** The name of The Berlin and Bridgeport Electric Street Railway Company, Limited, is changed to "The Berlin and Northern Railway Company," hereinafter called "the Company."

Capital stock.

**2.** The capital stock of the Company shall be $400,000.

Location of line

**3.** The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain an extension of the Company's railway line from a point in or near the Village of Bridgeport, in the Township of Waterloo, in the County of Waterloo, to the Villages of Elora and Fergus, in the Township of Nichol, in the County of Wellington, and may operate its said railway by electricity, steam or other motive power.

Agreements with other railway companies.

**4.** Subject to the provisions of *The Ontario Railway Act, 1906,* the Company may enter into agreements with any other railway or transportation company which may be constructed and operated in any portion of the country to be served by the proposed undertaking hereby authorized for any of the purposes specified in Section 58 of *The Ontario Railway, Act, 1906.*

Disposal of surplus electricity

7 Edw. VII. c. 19.

**5.**—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act.*

Consent of municipality and approval of Hydro-Electric Power Commission.

(2) The Company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Supervision of rates by Commission.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof, will hear and determine the matter in dispute.

Notice of hearing by Commission.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates

shall

shall be charged by the company, and directing the amendment of any by-law or agreement accordingly.

Powers of Commission. 8 Edw. VII. c. 8.

(5) The said Commission or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act.*

Penalty.

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of $100 for every day during which such refusal or neglect shall continue.

Separate accounts to be kept.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Bonds.

**6.** The Company may issue bonds, debentures or other securities to the extent of $30,000 a mile of single track of the said railway, constructed or under contract to be constructed.

Application of 6 Edw. VII. c. 30.

**7.** The provisions of *The Ontario Railway Act, 1906,* except where inconsistent with the provisions of this Act, shall apply to the Company and to the railway constructed or to be constructed by it.

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CHAPTER

## CHAPTER 132.

### An Act respecting The Bruce Mines and Algoma Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Bruce Mines and Algoma Railway Company, hereinafter called "the Company," has by petition represented that by its Act of incorporation passed at the 2nd session held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 93, as amended by Acts passed in the 3rd year of His late Majesty's reign, chaptered 91, in the 5th year of His late Majesty's reign, chaptered 89, and in the 10th year of His late Majesty's reign, chaptered 139, it was authorized to construct and operate a railway from a point in or near the Village of Bruce Mines in the District of Algoma, thence across the Algoma branch of the Canadian Pacific Railway to the Rock Lake Copper Mines in the Townships of Plummer and Coffin in the District of Algoma, thence northerly a distance of thirty miles, passing through the Townships of McMahon and Gilmor; also from Rock Lake Station on its line of railway, thence northerly and easterly by the most feasible route to a point on the main line of the Canadian Pacific Railway between Chapleau and Biscotasing Stations; and also from a point on the main line of the Canadian Pacific Railway between Chapleau and Biscotasing, thence northerly and easterly by the most feasible route to Hannah Bay or some other point on James Bay in the Province of Ontario; that its bonding powers should be increased to $35,000 for each mile of railway, and that the time for the construction and operation of the railway and any extensions thereof should be extended; and whereas the Company has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 2 of Chapter 89 of the Acts passed in the fifth year of the reign of His late Majesty King Edward the Seventh is repealed. 5 Edw. VII. c. 89, s. 2, repealed.

(2) The Company may issue bonds, debentures or other securities to the extent of $35,000 per mile of railway, including main and branch lines, constructed or under contract to be constructed. Bonding powers.

**2.**—(1) Subject to the provisions of this Act, the Act passed in the sixty-second year of the reign of Her late Majesty Queen Victoria, chaptered 93, the Act passed in the third year of the reign of His late Majesty King Edward the Seventh, chaptered 91, and the Act passed in the fifth year of the last mentioned reign, chaptered 89, are declared to be and to have been in force from the dates of the passing thereof, notwithstanding any neglect or default on the part of the Company in complying with any of the provisions of the said Acts and anything required to be done by the said Acts may be done after the passing of this Act. Certain Acts declared to be in force.

(2) The railway authorized by the said Acts and by this Act shall be completed within five years after the passing of this Act; and if the railway is not completed and put in operation within five years after the passing of this Act, then the powers granted to the Company by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for completion extended.

**3.** The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the Company, and to the railway constructed or to be constructed by it. Application of 6 Edw. VII. c. 30.

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CHAPTER

# CHAPTER 133.

## An Act respecting The Dunnville, Wellandport and Beamsville Electric Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Dunnville, Wellandport and Beamsville Electric Railway Company, has by petition represented that the said Company was incorporated under the name of "The Dunnville, Wellandport and Beamsville Electric Railway Company," by an Act passed in the sixth year of the Reign of His late Majesty King Edward VII., Chaptered 107, as amended by an Act passed in the eighth year of His late Majesty's Reign, Chaptered 123, and as further amended by an Act passed in the ninth year of His late Majesty's Reign, Chaptered 133, and as further amended by an Act passed in the tenth year of His late Majesty's Reign, Chaptered 140, for the purpose of constructing and operating an Electric Railway as set forth in the said Acts; and whereas the said Company has by its petition prayed that the time for the completion of the said railway be extended for the term of two years and also that section 2 of Chapter 107 of the Acts passed in the sixth year of the Reign of His late Majesty King Edward VII., be amended by inserting after the word "electricity" in the second line of the said section, the words "or other motive power, except steam"; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for completion extended.

**1.** The railway authorized by the said Acts shall be completed within two years after the passing of this Act, and if the railway is not completed and put into operation within two years from the passing of this Act then the powers

granted

granted to the Company by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

**2**. Section 2 of Chapter 107 of the Acts passed in the sixth year of the Reign of His late Majesty, King Edward VII., is amended by inserting after the word "electricity" in the second line of the said section the words "or other motive power, except steam." 6 Edw. VII., c. 107, s. 2, amended.

CHAPTER

# CHAPTER 134.

## An Act to Incorporate The Glengarry and Stormont Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, C. L. Hervey, Esquire, of the City of Montreal, in the Province of Quebec, Civil Engineer; A. A. Mellor of the same place, Accountant, and Thomas Burgess, of the City of Ottawa, Barrister, have by their petition prayed for an Act of incorporation under the name of "The Glengarry and Stormont Railway Company" for the purpose of constructing and maintaining a railway to be operated by steam or electricity, or partly by one and partly by the other, or by other motive power, from a point on the Canadian Pacific Railway at or near the eastern boundary of the Province of Ontario, in the Township of Lancaster, in the County of Glengarry; thence southerly and westerly to a point at or near the St. Lawrence River, in the Township of Charlottenburg, in the County of Glengarry; thence westerly through the Township of Charlottenburg, in the County of Glengarry, and the Township of Cornwall, in the County of Stormont, to the Town of Cornwall, with power to construct branches from a point on the main line in the said Township of Charlottenburg to the Villages of Williamstown and Martintown, in the said Township of Charlottenburg, and the Village of Lancaster, in the said Township of Lancaster; and a branch from the first mentioned point on the Canadian Pacific Railway to the Town of Alexandria, in the said County of Glengarry; and to connect with the Canadian Pacific Railway, the Grand Trunk Railway, and the Ottawa and New York Railway, and any other railways that may be built within the said territory; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1.** The said C. L. Hervey, A. A. Mellor and Thomas Burgess, together with such other persons, firms and corporations as shall hereafter become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Glengarry and Stormont Railway Company," hereinafter called "the Company."

Location of line.

**2.** The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, or partly by one and partly by the other, or other motive power, from a point on the Canadian Pacific Railway at or near the eastern boundary of the Province of Ontario, in the Township of Lancaster, in the County of Glengarry; thence southerly and westerly to a point at or near the St. Lawrence River, in the Township of Charlottenburg, in the County of Glengarry; thence westerly through the Township of Charlottenburg, in the County of Glengarry, and Township of Cornwall, in the County of Stormont, to the Town of Cornwall, with power to construct branches from a point on the main line in the said Township of Charlottenburg to the Villages of Williamstown and Martintown, in the said Township of Charlottenburg, and the Village of Lancaster, in the said Township of Lancaster; and a branch from the first mentioned point on the Canadian Pacific Railway, to the Town of Alexandria, in the said County of Glengarry, and to connect with the Canadian Pacific Railway, the Grand Trunk Railway, and the Ottawa and New York Railway, and any other railways that may be built within the said territory.

Head office.

**3.** The Head Office of the Company shall be at the Town of Alexandria, in the County of Glengarry.

Provisional Directors.

**4.** The said C. L. Hervey, A. A. Mellor and Thomas Burgess shall be Provisional Directors of the Company.

Number of Directors.

**5.** The number of Directors shall not be less than five and not more than nine.

Capital stock.

**6.** The capital stock of the Company shall be $600,000.

Traffic and running arrangements.

**7.** Subject to the provisions of *The Ontario Railway Act, 1906,* the Company shall have power to make traffic and running arrangements, either or both, with the Canadian Pacific Railway, the Grand Trunk Railway, and the Ottawa and New York Railway, upon such terms as may be agreed upon.

Issue of bonds.

**8.** The Company may issue bonds, debentures, or other securities to the extent of $30,000 per mile of railway constructed or under contract to be constructed.

Application of 6 Edw. VII. c. 30.

**9.** The provisions of *The Ontario Railway Act, 1906,* shall apply to the Company and the railway constructed or to be constructed by it.

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CHAPTER

## CHAPTER 135.

# An Act to Incorporate The Humber Valley Electric Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS, R. Home Smith, Manager; Charles Michael Garvey, Solicitor; Frank Regan, Student-at-Law; William George Jackson, Student-at-Law; and William Herbert Price, Solicitor; all of the City of Toronto, in the County of York, have by their petition prayed for an Act of incorporation under the name of "The Humber Valley Electric Railway Company" for the purpose of constructing and maintaining a railway to be operated by electricity or other motive power except steam from a point at, in or near Dundas Street, in the Village of Lambton Mills, in the Township of Etobicoke, in the County of York; thence southerly to a point at or near the west bank of the Humber River; thence along the west side of the Humber River to Bloor Street; thence easterly across the Humber River at or near that point; thence southerly along the east side of the Humber River to the shores of Lake Ontario; with power to construct branches or extensions in all not exceeding three miles in length at different points along the route and to connect with other existing railroads or any that are in course of construction or that may be built; and to obtain running rights over the line of Electric Railway now constructed on the Lake Shore Road from the southerly terminus of the railway hereby authorized to the Easterly terminus of said Electric Railway constructed on the Lake Shore Road as aforesaid or extensions thereof; with power to generate electricity and to dispose of the surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act;* and with power to bond for $30,000.00 per mile of single track; and to be permitted to construct and operate hotels and sanitariums; and whereas it is expedient to grant the prayer of the said petition,

7 Edw. VII., c. 19.

Therefore, His Majesty, by and with the advice and consent

sent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1**. The said R. Home Smith, Charles Michael Garvey, Frank Regan, William George Jackson and William Herbert Price, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic, under the name of "The Humber Valley Electric Railway Company," hereinafter called "the Company."

Location of line.

**2**. The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by electricity, or other motive power except steam, from a point at, in or near Dundas Street, in the Village of Lambton Mills, in the Township of Etobicoke, in the County of York; thence southerly to a point at or near the west bank of the Humber River; thence along the west side of the Humber River to Bloor Street; thence easterly across the Humber River at or near that point; thence southerly along the east side of the Humber River to the shores of Lake Ontario; with power to construct branches or extensions in all not exceeding three miles in length, at different points along the route and to connect with existing railroads, railroads under construction or that may be built.

Provisional directors.

**3**. The said R. Home Smith, Charles Michael Garvey, Frank Regan, William George Jackson and William Herbert Price, shall be the Provisional Directors of the Company.

Capital stock.

**4**. The capital stock of the Company shall be $500,000.00.

Bonds, debentures, etc.

**5**. The Company may issue bonds, debentures, or other securities to the extent of $30,000 per mile of single track of the railway constructed or under contract to be constructed.

Number of directors.

**6**. The Board of Directors of the Company shall consist of not less than five or more than nine persons.

Head office.

**7**. The head office of the Company shall be at the City of Toronto, in the County of York.

Traffic and running arrangements.

**8**. Subject to the provisions of *The Ontario Railway Act, 1906*, the Company shall have power to make traffic and running arrangements with existing railroads, railroads under construction or that may be built upon such terms as may be agreed upon.

(*a*) The Company shall have the right to have its cars operated over the tracks of the Electric Railway known as "The Toronto and Mimico Electric Railway and Light Company Limited," now constructed on the Lake Shore Road from a point at or near the East side of the Humber River to the Easterly terminus of the said Railway at or near Sunnyside Avenue in the City of Toronto or over such other Electric Railway as the Corporation of the City of Toronto shall own and operate over the said distance from the Humber River to Sunnyside Avenue in the City of Toronto, upon such terms and conditions as may from time to time be agreed upon or as may from time to time be fixed and determined by *The Ontario Railway and Municipal Board.* Right to operate over Toronto and Mimico Railway.

**9.**—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act.* Disposal of surplus electrical power. 7 Edw. VII., c. 19.

(2) The Company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by *The Hydro-Electric Power Commission of Ontario.* Agreement or by-law of municipality and approval of Hydro-Electric Power Commission.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof, will hear and determine the matter in dispute. Rates.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company, and directing the amendment of any by-law or agreement accordingly. Notice of appointment for hearing.

Powers of Commission.

(5) The said Commission, or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act.*

8 Edw. VII., c. 8.

Penalties.

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of $100 for every day during which such refusal or neglect shall continue.

Keeping of separate accounts.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Powers not to be exercised if Toronto Hydro-Electric System supply power.

(8) The powers granted under this Section shall not be exercised by the Company if The Toronto Hydro-Electric System supply power to the Company for the necessities of its undertaking at rates fixed by *The Hydro-Electric Power Commission of Ontario.*

Hotels, sanitariums.

**10**. The Company may purchase land for and may erect, maintain, control and acquire hotels and sanitariums in connection with the said railway at any point along its route or on the lands of its branches as aforesaid.

Audit of books.

**11**. The Auditor of the Corporation of the City of Toronto shall have the right to audit and inspect the books, papers and vouchers of the Company for the period of five years after the construction of that portion of the said railway between the Lake Shore Road and Bloor Street, and for the purpose of assisting in the said audit the Corporation's Engineer shall have access to all plans, profiles, estimates, contracts and other documents necessary to check and verify the Company's expenditures.

Right to acquire by City of Toronto.

**12**. The Corporation of the City of Toronto shall have the right to acquire the said railway and all real and personal property used in the operation thereof at any time within the period of five years from the date of completion of that portion of the said railway between the Lake Shore Road and Bloor Street, as fixed and determined by the certificate of The Ontario Railway and Municipal Board upon payment of the total cost of the undertaking, saving and excepting the cost of that part of the right of way now owned and controlled by R. Home Smith and his associates, and on payment of the amount of the Company's loss, if any, arising in the operation

operation of the road from the commencement of the operation thereof, or of any section thereof to the date of the taking over of the same by the said Corporation.

Powers suspended until 14th January, 1913.

**13**. The powers granted by this Act shall not be of any force or effect or be exercised until after the 14th day of January, 1913, and shall not then or thereafter be of any force or be exercised if the Corporation of the City of Toronto, with the assent of the ratepayers qualified to vote upon by-laws for the creation of debts, and prior to said 14th day of January, 1913, pass a by-law or by-laws for the issue of debentures for the purpose of raising money necessary to build a railway along the route of the railway hereby authorized, or within one-quarter of a mile from either side thereof; and the Corporation of the City of Toronto may, with the assent of the ratepayers qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws for the issue of debentures for the purpose of building the said railway, and such debentures shall not be treated as part of the general debenture debt of the said City.

Application of 6 Edw. VII., c. 30.

**14**. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the Company and the railway to be constructed by it.

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# CHAPTER 136.

## An Act respecting The Iron Range Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Iron Range Railway Company was incorporated by an Act passed in the 8th year of the reign of His late Majesty King Edward the Seventh, chaptered 127, and was by said Act and an amending Act passed in the 10th year of the reign of His late Majesty King Edward the Seventh, chaptered 142, authorized to construct a railway as described in the said Acts; and whereas the said Company has by its petition prayed for an extension of time for the commencement and completion of the said undertaking; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion extended.

**1**. The railway authorized by the said Acts and by this Act shall be commenced within two years and completed within three years after the passing of this Act, and if the construction of the railway is not commenced, and fifteen per cent. of the amount of the capital stock is not expended thereon, within two years after the passing of this Act, or if the railway is not completed and put in operation within three years from the passing of this Act, then the powers granted to the Company by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

10 Edw. VII. c. 142, s. 2, repealed.

**2**. Section 2 of the Act passed in the 10th year of His late Majesty's reign, chaptered 142, is repealed.

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CHAPTER

## CHAPTER 137.

### An Act to incorporate. The Kawartha Transportation Company.

Preamble.

WHEREAS Laurence H. Grahame, Edmund R. Tate, Charles W. S. Dunn, Harry G. Fitzgerald, all of the Village of Lakefield, in the County of Peterborough, Manufacturers; and Richard B. Rogers, Civil Engineer; and Louis M. Hayes, Barrister-at-Law, both of the City of Peterborough, in the said County of Peterborough, have by their petition prayed for an Act of Incorporation under the name of "The Kawartha Transportation Company," for the purpose of constructing and maintaining a railway, to be operated by steam, electricity or other motive power, from a point in or near the City of Peterborough, in the County of Peterborough, and from the City of Peterborough through the Townships of Smith or Douro through, in and to the Village of Lakefield, and thence through the Township of Smith, or the Townships of Dummer and Douro, to Clear Lake, and from a point on Clear Lake through the Townships of Douro and Dummer, or the Township of Smith, to a point on Stony Lake, and thence through the Townships of Smith, Burleigh and Anstruther to the Village of Apsley, in the said Township of Anstruther, and from the City of Peterborough through the Township of Smith to Chemong Lake, and from the City of Peterborough through the Townships of Otonabee and Monaghan to Rice Lake, with power to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act*, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

7 Edw. VII., c. 19.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1.** The said Laurence H. Grahame, Edmund R. Tate, Charles

Charles W. S. Dunn, Harry G. Fitzgerald, Richard B. Rogers and Louis M. Hayes, and such other persons, firms and corporations as shall hereafter become shareholders of the said Company are hereby constituted a body corporate and politic under the name of "The Kawartha Transportation Company," hereinafter called "the Company."

Location of line.

**2.** The Company is hereby authorized and empowered to survey, lay out, construct, complete, equip, and maintain a railway to be operated by steam, electricity or any other motive power from a point in or near the City of Peterborough, in the County of Peterborough, and from the City of Peterborough through the Townships of Smith or Douro through, in and to the Village of Lakefield, and thence through the Township of Smith or the Townships of Dummer and Douro to Clear Lake, and from a point on Clear Lake through the Townships of Douro and Dummer, or the Township of Smith, to a point on Stony Lake, and thence through the Townships of Smith, Burleigh and Anstruther to the Village of Apsley, in the said Township of Anstruther, and from the City of Peterborough through the Township of Smith to Chemong Lake, and from the said City of Peterborough through the Townships of Otonabee and Monaghan to Rice Lake.

Head office.

**3.** The Head Office of the Company shall be at the City of Peterborough, in the County of Peterborough.

Provisional directors.

**4.** The said Laurence H. Grahame, Edmund R. Tate, Charles W. S. Dunn, Harry G. Fitzgerald, Richard B. Rogers and Louis M. Hayes shall be the provisional directors of the said Company.

Board of Directors.

**5.** The Board of Directors of the Company shall consist of not less than five and not more than nine persons.

Capital stock.

**6.** The capital stock of the Company shall be $100,000.

Bonds and debentures.

**7.** The Company may issue bonds, debentures or other securities to the extent of $20,000 per mile of railway constructed or under contract to be constructed.

Power to amalgamate with and make running arrangements with other companies.

**8.** The Company may, subject to the provisions of *The Ontario Railway Act, 1906*:

(*a*) Amalgamate with any other electric or steam railway now or hereafter incorporated which operates wholly or in part within the territory above described;

(*b*)

(*b*) Acquire by purchase or lease any electric or steam railway operating wholly or in part within the territory above described, or any part of the trackage or rolling stock of any such railway;

(*c*) Acquire running rights over any other railway operating within the said territory.

Contracts for disposing of power.

**9.**—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act.* 7 Edw. VII., c. 19.

Restrictions in municipalities.

(2) The Company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Rates for supply.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the Chairman of the Commission may appoint a time and place at which the said Commission or some member thereof will hear and determine the matter in dispute.

Disputes as to rates charged.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or with the consent of all parties any member of the said Commission, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company and directing the amendment of any by-law or agreement accordingly.

Powers of Commission.

(5) The said Commission, or the member thereof, conducting the hearing, shall have the powers authorized to be conferred upon a Commissioner appointed under *The Public Inquiries Act.* 8 Edw. VII., c. 8.

Penalty for disobeying orders of Commission.

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission, or the

member

member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of $100 for every day during which such refusal or neglect shall continue.

Separate accounts to be kept.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Power to carry on express business.

**10**. The Company may acquire the plant and property for and carry on the business of an express company.

Time for commencement and completion.

**11**. The construction of the section of the railway from Peterborough to Clear Lake shall be commenced by the 1st day of September, 1913, and shall be completed and put into operation by the 1st day of September, 1917, and the other sections of the railway shall be commenced within three years from the passing of this Act, and shall be completed and put into operation within two years thereafter, and if such section from Peterborough to Clear Lake is not so commenced as aforesaid, and if all sections of the railway hereby provided for are not commenced, completed and put into operation within the respective times herein provided for, the powers granted by this Act and by *The Ontario Railway Act, 1906,* shall cease and shall be null and void as respects so much of the railway as still remains uncompleted within the respective times aforesaid.

Application of 6 Edw. VII. Chap. 30.

**12**. The provisions of *The Ontario Railway Act, 1906,* except where inconsistent with the provisions of this Act, shall apply to the Company and to the railway to be constructed by it.

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CHAPTER

## CHAPTER 138.

# An Act respecting The Lac Seul, Rat Portage and Keewatin Railway Company.

*Assented to 16th April, 1912.*

Preamble. WHEREAS The Lac Seul, Rat Portage and Keewatin Railway Company was incorporated by an Act passed in the third year of the reign of His late Majesty King Edward the Seventh, chaptered 102, and by the said Act and amending Acts passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 80, in the eighth year of the reign of His late Majesty King Edward the Seventh, chaptered 128, and in the tenth year of the reign of His late Majesty King Edward the Seventh, chaptered 143, authorized to construct certain lines of railway in said original and amending Acts described; and whereas the said Company has by its petition prayed for an extension of time for the commencement and completion of its undertaking; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion extended. **1**. The railway authorized by the said Acts and by this Act shall be commenced within two years and completed within three years after the passing of this Act, and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within three years from the passing of this Act, then the powers granted to the company by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

10 Edw. VII. c. 143, s. 2, repealed. **2**. Section 2 of Chapter 143 of the Acts passed in the tenth year of the reign of His late Majesty King Edward the Seventh, is repealed.

CHAPTER

# CHAPTER 139.

## An Act to Incorporate The Lindsay and Minden Railway Company

*Assented to 16th April, 1912.*

Preamble.

WHEREAS John Henry Delamere, Gentleman, Michael Brown, County Treasurer, and John James Mortimer, Hotel Keeper, all of the unincorporated Village of Minden, in the Provisional County of Haliburton; John Wilson Wood, Physician, of the Town of Lindsay, in the County of Victoria; Samuel Frederick Stinson, Mill Owner, and Joseph Martin Delamere, Lieutenant-Colonel, both of the City of Toronto, in the County of York, have by their petition prayed for an Act of incorporation under the name of "The Lindsay and Minden Railway Company," for the purpose of constructing, equipping and maintaining a railway to be operated by steam or electricity, or partly by one and partly by the other, from a point in or near the Town of Lindsay, in the County of Victoria, thence northerly through the Townships of Ops, Fenelon, Eldon, Carden, Bexley, Laxton and Digby, in the said County of Victoria and the Townships of Lutterworth, Anson and Minden, in the Provisional County of Haliburton, to the waters of Mountain Lake, in the said Township of Minden, with power to construct branches or extensions at points along the said route to connect with other railways or navigable waters in proximity thereto; and with power to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act;* and to carry on the business of an express company; and to amalgamate with any other electric or steam railway, now or hereafter incorporated which operates wholly or in part within the County of Victoria or the Provisional County of Haliburton; and acquire by purchase or lease any electric or steam railway, operating wholly or in part within the territory above described, or any part of the trackage or rolling stock of any such railway; and to acquire running rights over any other railway operating within the said territory; and whereas it is expedient to grant the prayer of the said petition;

7 Edw. VII., c. 19.

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1.** The said John Henry Delamere, Michael Brown, John James Mortimer, John Wilson Wood, Samuel Frederick Stinson and Joseph Martin Delamere, together with such other persons, firms, and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body, corporate and politic, by the name of "The Lindsay and Minden Railway Company," hereinafter called "the Company."

Location of line.

**2.** The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway, to be operated by steam or electricity, or partly by one, and partly by the other, from some point in or near the Town of Lindsay, in the County of Victoria, in the Province of Ontario; thence northerly through the Townships of Ops, Fenelon, Eldon, Carden, Bexley, Laxton and Digby, in the said County of Victoria and the Townships of Lutterworth, Anson and Minden, in the Provisional County of Haliburton, to the waters of Mountain Lake, in the said Township of Minden; also, to construct branches or extensions to connect with other railways, or navigable waters in proximity thereto.

Disposal of surplus electricity.

**3.**—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for light and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act.*

7 Edw. VII., c. 19.

Consent of municipality and approval of Hydro-Electric Power Commission.

(2) The Company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Supervision of rates by Commission.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person the Chairman of the Commission may appoint a time and

place

place at which the said Commission, or some member thereof, will hear and determine the matter in dispute.

Notice of hearing by Commission.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the company, and directing the amendment of any by-law or agreement accordingly.

Powers of Commission. 8 Edw. VII., c. 8.

(5) The said Commission or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act.*

Penalty.

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of $100 for every day during which such refusal or neglect shall continue.

Separate accounts to be kept.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Telephones.

**4.** The Company may construct, equip, own, maintain and operate telephone lines, and charge tolls for the use thereof.

Express business.

**5.** The Company may acquire the plant and property for, and carry on the business of an express company.

Head office.

**6.** The head office of the Company shall be at the Village of Minden, in the Provisional County of Haliburton.

Provisional directors.

**7.** The said John Henry Delamere, Michael Brown, John James Mortimer, John Wilson Wood, Samuel Frederick Stinson and Joseph Martin Delamere shall be the provisional directors of the Company.

**8.** The Board of Directors of the Company shall consist of not less than five and not more than seven persons. Number of directors.

**9.** The capital stock of the Company shall be $60,000. Capital stock.

**10.** The Company may issue bonds, debentures or other securities to the extent of $30,000 per mile of railway constructed or under contract to be constructed. Bonds.

**11.** The Company may, subject to the provisions of *The Ontario Railway Act, 1906;* Power to amalgamate with or purchase other railways, etc.

(*a*) Amalgamate with any other electric or steam railway, now or hereafter incorporated, which operates wholly or in part within the County of Victoria or the Provisional County of Haliburton.

(*b*) Acquire by purchase or lease any electric or steam railway, operating wholly or in part within the territory above described, or any part of the trackage or rolling stock of any such railway.

(*c*) Acquire running rights over any other railway, operating within the said territory.

**12.** The provisions of *The Ontario Railway Act, 1906,* except where inconsistent with the provisions of this Act, shall apply to the Company and to the railway to be constructed by it. Application of 6 Edw. VII. c. 30.

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CHAPTER

# CHAPTER 140.

## An Act respecting The Midland Terminal Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Midland Terminal Railway Company was incorporated by an Act passed in the third year of the reign of His late Majesty King Edward VII., chaptered 105, and was by said Act authorized to construct a railway as therein described; and whereas the said Company has by its petition prayed for an extension of time for the completion of the said railway; and that the name of the Company should be changed to "The Midland Simcoe Railway Company"; and also for leave to extend its railway as hereinafter set out; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

**1**. The name of the said Company is changed to "The Midland Simcoe Railway Company."

3 Edw. VII. c. 105, s. 54, repealed.

**2**. Section 54 of the Act passed in the third year of the reign of His late Majesty King Edward VII., and chaptered 105, is repealed.

Time for completion extended.

**3**. The railway authorized by the said Act shall be completed within three years after the passing of this Act, and if the construction of the railway authorized by the said Act is not completed, and if the railway so authorized is not put in operation within three years after the passing of this Act, then the powers granted to the said Company by the said Act and by this Act shall cease and be null and void as respects so much of the railway authorized by the said Act as then remains uncompleted.

Power to construct certain extension.

**4.** The said Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, electricity or other motive power, from a point at or near the Harbour of the Town of Midland, in the County of Simcoe, thence south and southeasterly, through the said Town of Midland and the Townships of Tay and Medonte in the said County of Simcoe, to a point on the line of the Grand Trunk Railway at or near the Village of Coldwater in the said Township of Medonte.

Time for commencement and completion of extension.

**5.** The railway authorized by Section 4 of this Act shall be commenced within two years and completed and put in operation within five years after the passing of this Act, and if the construction of the railway authorized by Section 4 of this Act is not commenced within two years after the passing of this Act, or if the railway authorized by Section 4 of this Act is not completed and put in operation within five years after the passing of this Act, then the powers granted to the Company with respect to the railway authorized by Section 4 of this Act shall cease and be null and void as respects so much of the railway authorized by Section 4 of this Act as then remains uncompleted.

3 Edw. VII. c. 105, declared to be in force.

**6.** Subject to the provisions of this Act the said Act passed in the third year of the reign of His late Majesty King Edward VII., chaptered 105, is declared to be and to have been in force from the date of the passing thereof, notwithstanding any neglect or default on the part of the Company in complying with any of the provisions of the said Act and anything required to be done by the said Act may be done after the passing of this Act.

Application of 6 Edw. VII. c. 30.

**7.** *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act and of the said Act passed in the third year of the reign of His late Majesty King Edward VII., shall apply to the said Company and the railway constructed or to be constructed by it.

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CHAPTER

## CHAPTER 141.

# An Act respecting The Monarch Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Monarch Railway Company has by petition represented that it was incorporated by an Act passed in the 10th year of the reign of His late Majesty King Edward VII., Chaptered 144; that by the said Act the Company was authorized to issue bonds and debentures to the extent of $25,000 per mile of single track of the railway constructed or under contract to be constructed; that it is desirable that the Company should be authorized to issue bonds or debentures to the extent of $30,000 per mile; and that the name of the Company should be changed to "The Toronto, Barrie and Orillia Railway Company," and the time for the commencement and completion of the railway should be extended; and whereas the said Company has by petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

Change of name.

**1**. The name of the said Company is changed to "The Toronto, Barrie and Orillia Railway Company."

Issue of bonds.

**2**. The Company may issue bonds, debentures or other securities to the extent of $30,000 per mile of single track of the railway constructed or under contract to be constructed.

10 Edw. VII., c. 144, s. 5, repealed.

**3**. Section 5 of Chapter 144 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh, is repealed.

Time for commencement and completion extended.

**4**. Notwithstanding anything contained in *The Ontario Railway Act, 1906,* the railway authorized by the said Act passed in the 10th year of His late Majesty's reign, Chaptered 144, and by this Act shall be commenced within two years and completed within five years after the passing

of

of this Act, and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted to the company by the said Act and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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# CHAPTER 142.

## An Act respecting The Morrisburg and Ottawa Electric Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Morrisburg and Ottawa Electric Railway Company was incorporated by an Act passed in the 8th year of His late Majesty's reign, chaptered 130, as amended by an Act passed in the 9th year of His late Majesty's reign, chaptered 136, and as further amended by an Act passed in the 10th year of His late Majesty's reign, chaptered 145, for the purpose of constructing and operating an electric railway between the points set out in the said Acts; and whereas the said Company has, by its petition, prayed that the time for the commencement and completion of its undertaking be extended; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion.

**1.** Notwithstanding anything contained in *The Ontario Railway Act, 1906,* the railway, authorized by the said Act passed in the eighth year of His late Majesty's reign, chaptered 130, as amended by an Act passed in the ninth year of His late Majesty's reign, chaptered 136, and as further amended by an Act passed in the tenth year of His late Majesty's reign, chaptered 145, and by this Act, shall be commenced within two years and completed within five years after the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted to the Company by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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# CHAPTER 143.

## An Act respecting The Mount McKay and Kakabeka Falls Railway Company

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Mount McKay and Kakabeka Falls Railway Company was incorporated by an Act passed by the Legislature of the Province of Ontario, in the fourth year of the reign of His late Majesty King Edward the Seventh, Chaptered 82, as amended by an Act passed in the eighth year of His late Majesty's reign, Chaptered 131, for the purpose of constructing and maintaining a railway to be operated by electricity, compressed air or other motive power as set forth in the said Acts; and whereas it was provided by the first mentioned Act that the amount of capital stock of the said Company should be $250,000; and whereas by the Act passed in the eighth year of His late Majesty's reign, Chaptered 131, it was among other things provided that the time for completion of the said railway be extended for a period of four years from the passing of the said last mentioned Act; and whereas the said Company has by its petition prayed for an Act to increase its capital stock from $250,000 to $500,000, and also that the time for completing the said railway be extended for a further term of four years, and for such other rights, powers and authorities as may be incidental to the above; and whereas it is expedient to grant the prayer of the said petition:—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

4 Edw. VII., c. 82, s. 4, repealed.

**1.** Section 4 of the said Act, passed in the fourth year of the reign of His late Majesty King Edward the Seventh, Chaptered 82, is repealed and the following substituted therefor:

Capital stock.

4. The capital stock of the Company shall be $500,000.

8 Edw. VII., c. 131, s. 6, repealed.

**2.** Section 6 of the Act passed in the eighth year of the reign of His late Majesty King Edward the Seventh, Chaptered 131, is repealed.

Time for completion extended.

**3.** Notwithstanding anything contained in *The Ontario Railway Act, 1906*, the railway authorized by the said Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, Chaptered 82, as amended by the Act passed in the eighth year of His late Majesty's reign, Chaptered 131, and by this Act shall be completed within four years from the passing of this Act, and if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the Company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Powers conferred by other Acts not affected, etc.

**4.** All rights, powers, authorities and privileges conferred upon the said Company by the said Acts or by any general Act, are hereby declared to be in force, and nothing in this Act contained shall in any way be deemed to affect any agreement heretofore entered into between the Company and any municipal corporation or any other person or persons.

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CHAPTER

# CHAPTER 144.

## An Act respecting The Niagara Falls, Welland and Dunnville Electric Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Niagara Falls, Welland and Dunnville Electric Railway Company was incorporated by an Act passed in the tenth year of the reign of His late Majesty King Edward the Seventh, chaptered 146, and was by said Act authorized to construct and operate an electric railway as therein mentioned; and whereas the Company has, by its petition prayed that an Act may be passed increasing its capital stock and bonding powers; authorizing the disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act;* and extending the time for the commencement and completion of its undertaking; and whereas it is expedient to grant the prayer of the said petition:

7 Edw. VII., c. 19.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 Edw. VII., c. 146, s. 4, amended. Increase of capital stock.

**1**. Section 4 of the Act, passed in the 10th year of His late Majesty's reign, Chaptered 146, is amended by inserting the figures $500,000 in lieu of the figures $200,000.

10 Edw. VII., c. 146, s. 8. Increase of bonding powers.

**2**. Section 8 of the said Act is amended by inserting the figures $30,000 in lieu of the figures $20,000.

Disposal of surplus electricity.

**3**.—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act.*

7 Edw. VII. c. 19.

Consent of municipality and approval of Hydro-Electric Power Commission.

(2) The Company shall not supply electricity in any municipality except under a by-law passed by the council of the

the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Supervision of rates by Commission.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof, will hear and determine the matter in dispute.

Notice of hearing by Commission.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the company, and directing the amendment of any by-law or agreement accordingly.

Powers of Commission. 8 Edw. VII. c. 8.

(5) The said Commission or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act.*

Penalty.

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of $100 for every day during which such refusal or neglect shall continue.

Separate accounts to be kept.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Time for commencement and completion extended.

**4.** The railway authorized by the said Act, passed in the 10th year of His late Majesty's reign, Chaptered 146 and by this Act, shall be commenced within two years and completed within five years after the 1st day of March, 1912, and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the 1st day of March, 1912, or if the railway is not completed and put in operation within five years from the 1st day of March, 1912, then the powers granted to the Company by the said Act and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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CHAPTER

# CHAPTER 145.

## An Act respecting The North Midland Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The North Midland Railway Company was incorporated by an Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 84, as amended by an Act passed in the sixth year of His late Majesty's reign, chaptered 112, and as further amended by an Act passed in the eighth year of His late Majesty's reign, chaptered 133, and as further amended by an Act passed in the tenth year of His late Majesty's reign, chaptered 148, for the purpose of constructing and operating an electric railway as therein described; and whereas the said Company has by its petition prayed that the time for the commencement and completion of the said railway may be extended; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 Edw. VII., c. 148, s. 2, repealed.

**1.** Section 2 of the Act passed in the tenth year of His late Majesty's reign, chaptered 148, is repealed.

Time for commencement and completion extended.

**2.** The railway authorized by the said Acts and by this Act shall be commenced within two years and completed within four years after the passing of this Act, and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the company by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

CHAPTER

# CHAPTER 146.

## An Act respecting The Ottawa, Smith's Falls and Kingston Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Ottawa, Smith's Falls and Kingston Railway Company, hereinafter called "the Company," has by petition represented that it was incorporated by chapter 127 of the Acts passed in the first year of the reign of His Majesty King George the Fifth, and was empowered as therein provided to construct, maintain and operate a railway as set out in the said Act; and whereas the said Company has, by its said petition prayed that it may be authorized to construct an additional line of railway to be operated by steam, electricity or other motive power, from a point in, at or near the City of Ottawa, in the County of Carleton, to a point in, at or near the Village of Manotick, in the said County of Carleton, and passing through the Township of Gloucester, in the said County of Carleton, or through the said Township of Gloucester and the Township of Osgoode, in the said County of Carleton, as may be found most expedient; and that the name of the said Company may be changed to "The Ottawa, Rideau Lakes and Kingston Railway Company"; and to extend the time for the commencement and completion of the said railway; and that the said Act may be otherwise amended and extended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

**1.** The name of The Ottawa, Smith's Falls and Kingston Railway Company is changed to "The Ottawa, Rideau Lakes and Kingston Railway Company," hereinafter called "the Company."

Extension of railway authorized.

**2.** The Company is authorized and empowered to survey, lay out, construct, equip and maintain an additional line of railway

railway, to be operated by steam, electricity or other motive power, from a point in, at or near the City of Ottawa, in the County of Carleton, to a point in, at or near the Village of Manotick, in the said County of Carleton, and passing through the Township of Gloucester, in the said County of Carleton, or through the said Township of Gloucester and the Township of Osgoode, in the said County of Carleton, as may be found most expedient.

Time for commencement and completion of railway.

**3.** The railway authorized by the said Act, passed in the 1st year of His Majesty's reign, Chaptered 127, and by this Act shall be commenced within two years, and completed within three years after the passing of this Act; and if the construction of the said railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the said railway is not completed and put in operation within three years from the passing of this Act, then the powers granted to the Company by the said Act and by this Act shall cease and be null and void, as respects so much of the railway as shall then remain uncompleted.

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CHAPTER

# CHAPTER 147.

## An Act to Incorporate The Porcupine Rand Belt Electric Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS Stephen Ferdinand Adalia, Gentleman; Henry A. Rowland, Druggist; Frank Regan, Clerk; and W. H. Best, Clerk, all of the City of Toronto, in the County of York, have by their petition prayed for an Act of Incorporation under the name of "The Porcupine Rand Belt Electric Railway Company," for the purpose of constructing and maintaining a railway to be operated by steam, electricity, or other motive power, in the Districts of Nipissing and Sudbury, from a point at or near the eastern boundary of the Province of Ontario, in the Township of McGarry, thence westerly and southerly to a point at or near the Townsite of Larder City, thence westerly through the Townships of McVittie and Hearst, Gauthier and McElroy, Lebel and Boston, to a point at or near the Townsite of Dane, and crossing the line of the Temiskaming and Northern Ontario Railway Company by a separation of grades; thence westerly through the Townships of Otto and Teck, Grenfell and Eby, Burt and Holmes, Alma and Baden to a point at or near the headwaters of the Montreal River; thence westerly through the Townships of Robertson, McNeil and Argyle, Hincks and Cleaver, Geikie and Bartlett, Musgrove and Doyle, to a point at or near the eastern shore of the Mattagami River, the expansion of which here is known as Kenogamisse Lake; with power to construct branches or extensions at different points along the route and to connect with the Temiskaming and Northern Ontario Railway and any other railways that may be built; and with power to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act*; and with power to build, acquire, operate and maintain hotels and sanitariums along the route of the proposed railway; and whereas it is expedient to grant the prayer of the said petition.

7 Edw. VII., c. 19.

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1**. The said Stephen Ferdinand Adalia, Henry A. Rowland, Frank Regan, W. H. Best and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic, under the name of "The Porcupine Rand Belt Electric Railway Company," hereinafter called "the Company."

Location of line.

**2**. The company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, electricity, or other motive power in the Districts of Nipissing and Sudbury, from a point at or near the eastern boundary of the Province of Ontario in the Township of McGarry, thence westerly and southerly to a point at or near the Townsite of Larder City, thence westerly through the Townships of McVittie and Hearst, Gauthier and McElroy, Lebel and Boston, to a point at or near the Townsite of Dane, and crossing the line of the Temiskaming and Northern Ontario Railway Company by a separation of grades; thence westerly through the Townships of Otto and Teck, Grenfell and Eby, Burt and Holmes, Alma and Baden, to a point at or near the headwaters of the Montreal River; thence westerly through the Townships of Robertson, McNeil and Argyle, Hincks and Cleaver, Geikie and Bartlett, Musgrove and Doyle, to a point at or near the eastern shore of the Mattagami River, the expansion of which here is known as Kenogamisse Lake; with power to construct branches or extensions at different points along the route and to connect with the Temiskaming and Northern Ontario Railway and any other railways that may be built.

Provisional directors.

**3**. The said Stephen Ferdinand Adalia, Henry A. Rowland, Frank Regan and W. H. Best shall be the provisional directors of the company.

Capital stock.

**4**. The capital stock of the company hereby incorporated shall be $500,000.

Bonds and debentures.

**5**. The company may issue bonds, debentures or other securities to the extent of $30,000 per mile of single track of the railway constructed or under contract to be constructed.

Number of directors.

**6**. The Board of Directors of the Company shall consist of not less than five or more than nine persons.

Head Office.

**7**. The head office of the company shall be at the City of Toronto, in the County of York.

Running arrangements.

**8.** Subject to the provisions of *The Ontario Railway Act, 1906,* the company shall have power to make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, the Canadian Northern Railway Company and the Metropolitan Railway Company upon such terms as may be agreed upon.

Disposal of surplus electricity.

**9.**—(1) The company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act.*

7 Edw. VII c. 19.

Consent of municipality and approval of Hydro-Electric Power Commission.

(2) The company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Supervision of rates by Commission.

(3) The rates chargeable by the company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof, will hear and determine the matter in dispute.

Notice of hearing by Commission.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the company, and directing the amendment of any by-law or agreement accordingly.

Powers of Commission.

(5) The said Commission or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act.*

8 Edw. VII., c. 8.

Penalty.

(6) If the company neglects or refuses to obey or carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His

Majesty

Majesty for the uses of the Province the sum of $100 for every day during which such refusal or neglect shall continue.

Separate accounts to be kept.

(7) The company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Hotels, sanitariums.

**10**. The Company may purchase land for and may erect, maintain, control and acquire hotels, and sanitariums in connection with the said railway and at any point along its route or on the lands of its branches as aforesaid.

Application of 6 Edw. VII., c. 30.

**11**. The provisions of *The Ontario Railway Act, 1906,* except where inconsistent with the provisions of this Act, shall apply to the Company and the railway to be constructed by it.

CHAPTER

## CHAPTER 148.

# An Act respecting Simcoe Railway and Power Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS Simcoe Railway and Power Company has by petition represented that the Company was incorporated by an Act passed in the ninth year of His late Majesty's reign, Chaptered 145, which was amended by an Act passed in the tenth year of His late Majesty's reign, Chaptered 151, with authority, among other things, to construct and operate a railway from a point in or near the Town of Penetanguishene in the County of Simcoe easterly through the Town of Midland, and passing through the Township of Tay, and the unincorporated Villages therein of Victoria Harbor, Sturgeon Bay, Tannerville, Waubaushene, Fesserton, and part of the Township of Medonte to some point in or near the Village of Coldwater in the said County of Simcoe; and whereas the said Company has by its petition represented that it has developed a water power authorized by the said first mentioned Act, and is transmitting power therefrom to the Town of Midland, and is selling power to The Hydro-Electric Power Commission of Ontario for use in the said Town of Midland and the Town of Penetanguishene, and the said petitioner has further represented that it has incurred a considerable amount of unexpected delay and expense in connection with the said development and transmission of the said power, and has only recently completed the same; and whereas the said Company has by its petition prayed that the time for commencement and completion of the said railway be extended; and whereas it is expedient to grant the prayer of the said petition:—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Time for commencement and completion extended.

**1**. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, and amendments thereto, the railway authorized by said Act passed in the ninth year of His late Majesty's

Majesty's reign, Chaptered 145, as amended by the Act passed in the tenth year of His late Majesty's reign, Chaptered 151, and by this Act, shall be commenced within five years, and completed within eight years from and after the passing of this Act, and if the construction of the said railway is not commenced, and 15 per cent. of the estimated cost of the said railway is not expended thereon within five years, and if the railway is not finished and put in operation within eight years from the passing of this Act, then the powers granted to the Company by the said Acts, and by this Act, shall cease, and be null and void, as respects so much of the railway as then remains incomplete, but nothing in this section contained shall affect the rights, powers and privileges of the said Company, apart from the said railway.

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CHAPTER

# CHAPTER 149.

## An Act to incorporate The Sudbury-Copper Cliff Suburban Electric Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS William Joseph Bell, Lumberman; Wilbur Cochrane, Lumberman; John Mackey, Brewer; Delphis M. Morin, Hotel-keeper, and Louis Laforest, Capitalist, all of the Town of Sudbury, in the District of Sudbury, in the Province of Ontario, have by their petition prayed for an Act of incorporation under the name of "The Sudbury-Copper Cliff Suburban Electric Railway Company," for the purpose of constructing and maintaining a railway in the District of Sudbury, to be operated by steam or electricity, or partly by one and partly by the other, from a point at, in or near the Town of Sudbury, thence westerly to a point at, in or near the Town of Copper Cliff; also from a point at, in or near the said Town of Sudbury, thence easterly to a point at, in or near the Village of Coniston; also from a point at, in or near the said Town of Sudbury to the Creighton Mine; and also from a point at, in or near the said Town of Sudbury to the Blezard Mine; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1.** The said William Joseph Bell, Wilbur Cochrane, John Mackey, Delphis M. Morin and Louis Laforest, together with such other persons, firms and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic, by the name of "The Sudbury-Copper Cliff Suburban Electric Railway Company" hereinafter called "the Company."

Location of line.

**2.** The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, or partly by one and

partly

partly by the other, from a point at, in or near the Town of Sudbury, thence westerly to a point at, in or near the Town of Copper Cliff; also from a point at, in or near the said Town of Sudbury, thence easterly to a point at, in or near the Village of Coniston; also from a point at, in or near the said Town of Sudbury to the Creighton Mine; and also from a point at, in or near the said Town of Sudbury to the Blezard Mine, with power to construct branches or extensions at different points along the route, not exceeding ten miles in length, and to connect with other railroads now operating or under construction within the said territory.

Head Office.

**3.** The head office of the Company shall be in the said Town of Sudbury.

Provisional Directors.

**4.** The said William Joseph Bell, Wilbur Cochrane, John Mackey, Delphis M. Morin and Louis Laforest shall be the provisional directors of the Company.

Number of directors.

**5.** The Board of Directors of the Company shall consist of not less than five or not more than nine persons.

Capital stock.

**6.** The Capital Stock of the Company shall be $250,000.

Bonds, etc.

**7.** The Company may issue bonds, debentures or other securities to the extent of $30,000 per mile of railway constructed, or under contract to be constructed.

Traffic and running arrangements.

**8.** Subject to the provisions of *The Ontario Railway Act, 1906*, the Company shall have power to make traffic or running arrangements with The Canadian Pacific Railway Company, The Canadian Northern Ontario Railway Company, The Algoma Eastern Railway Company and any other Railway and Transportation Company, upon such terms as may be agreed upon.

Application of 6 Edw. VII. c. 30.

**9.** The provisions of *The Ontario Railway Act, 1906*, shall apply to the Company, and to the railway constructed or to be constructed by it.

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CHAPTER

## CHAPTER 150.

# An Act respecting The Toronto Suburban Railway Company.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Toronto Suburban Railway Company was incorporated by an Act passed in the 57th year of Her late Majesty's reign, Chaptered 94, intituled "An Act to Incorporate the Toronto Suburban Street Railway Company, Limited," and has by petition represented that the Company has constructed and is now operating its railway in that part of the City of Toronto formerly the City of West Toronto and surrounding municipalities; and that by an Act passed in the 63rd year of Her late Majesty's reign, Chaptered 124, the name of the Company was changed to The Toronto Suburban Railway Company; and whereas by an Act passed in the first year of the reign of His late Majesty, Chaptered 91, intituled "An Act respecting The Toronto Suburban Railway Company," the Company was authorized to extend its line of railway from its terminus at Lambton Mills, in the Township of York, in the County of York, to some point in the City of Hamilton, in the County of Wentworth; and whereas by an Act passed in the fourth year of the reign of His late Majesty, Chaptered 94, the Company was authorized to further extend its railway from a point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the Town of Niagara Falls, in the County of Welland, with a branch from a point on the line of railway already constructed in or near the Village of Weston or some point between the Village of Weston and the north limit of the Township of York to the Village of Woodbridge, in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston or the Village of Lambton Mills, to the Town of Brampton, in the County of Peel, and also from a point on the line of railway thereby authorized in the Township of Thorold to the City of St. Catharines, in the County of Lincoln; and to the Town of Port Colborne, in the County of Welland; and whereas by an Act passed in the ninth year of His late Majesty's reign, Chaptered 148, a certain mortgage by the said Company was confirmed and the time for the completion of the extensions

and branches of the said railway was extended; and whereas by an Act passed in the tenth year of His late Majesty's reign, Chaptered 153, the Company was authorized and empowered to equip, maintain and operate an extension of its line of railway from a point in or near the Town of Brampton in the County of Peel, to some point in or near the City of Guelph, in the County of Wellington, passing through or near the Township of Chinguacousy, in the said County of Peel, and the Townships of Esquesing, Nassagaweya and the town of Georgetown and the village of Acton, in the County of Halton, and the Townships of Erin, Eramosa, Guelph and Puslinch, in the said County of Wellington; and whereas by an Act passed in the first year of His Majesty's reign, Chaptered 133, the Company was authorized to further extend its railway from some point on its present authorized line at or near Cooksville, in the County of Peel, to a point in or near the Town of Milton, in the County of Halton, passing through or near the Township of Toronto, in the said County of Peel, and the Townships of Trafalgar or Esquesing, in the said County of Halton; thence northerly to a point at or near the Village of Acton, in the said County of Halton; and was also authorized to increase its capital stock; and whereas the Company has by its petition asked for authority to extend its line from some point at or near Guelph, in the County of Wellington, to some point at or near Berlin, Preston, Hespeler and Galt, in the County of Waterloo, and thence to a point at or near Hamilton, in the County of Wentworth, passing through or near the Townships of Guelph, Waterloo, Dumfries, Puslinch, Beverley, Flamboro' West and Ancaster; and from a point on the Company's authorized Hamilton line at or near Cooksville, in the Township of Toronto, in the County of Peel, to a point at or near the Town of Brampton in the said County; thence easterly, passing through or near the Townships of Chinguacousy and Toronto Gore, in the County of Peel, the Townships of Etobicoke and York, in the County of York, to a point on the Cmpany's present line of railway at or near Davenport Station on the Grand Trunk Railway, in the City of Toronto; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain extensions authorized.

**1.** The Company is authorized and empowered to equip, maintain and operate an extension of its line of railway,—

(*a*) From some point on its present authorized line at or near Guelph, in the County of Wellington, to some point at or near Berlin, in the County of Waterloo, passing through or near the Town of Hespeler, in the County of Waterloo, and the

the Township of Guelph, in the County of Wellington, and the Township of Waterloo, in the County of Waterloo, and from a point on the said line to the City of Hamilton, in the County of Wentworth, passing through or near the Township of Guelph, in the County of Wellington, the said Town of Hespeler, the Township of Waterloo, and the Towns of Preston and Galt, in the County of Waterloo, and the Townships of Dumfries, Puslinch, Beverley, Flamboro' West, and Ancaster.

(*b*) From a point on the Company's authorized Hamilton line at or near Cooksville, in the Township of Toronto, in the County of Peel, to a point at or near the Town of Brampton in the said County; thence easterly, passing through or near the Townships of Chinguacousy and Toronto Gore, in the County of Peel, the Townships of Etobicoke and York, in the County of York, to a point on the Company's present line of railway at or near Davenport Station on the Grand Trunk Railway, in the City of Toronto.

10 Edw. VII., c. 153, s. 3, to apply to extensions.

**2.** Section 3 of the Act passed in the 10th year of His late Majesty's reign, Chaptered 153, shall apply to the said extensions hereby authorized.

1 Geo. V. c. 133, s. 3, amended.

**3.** Section 3 of the Act passed in the first year of His Majesty's reign, Chaptered 133, is amended by adding thereto the following as subsection 2:

Issue of securities.

(2) The Company may issue securities to an amount equal to 75 per cent. of the Company's actual expenditure upon or in respect of power stations and electric generating plant and appurtenances thereto, and upon or in respect of its trunk, transmission or distributing lines and plant and the appurtenances thereto, and upon or in respect of any additional bridges and approaches thereto, rights of way, terminals and station buildings other than those referred to in the last preceding sub-clause hereof.

Capital stock.

**4.** The capital stock of the Company is increased to $3,000,000.

1 Edw. VII., c. 91, ss. 2, 22-25 and 44 repealed.

**5.** Sections 2, 22, 23, 24, 25 and 44 of the Act passed in the first year of the reign of His Majesty King Edward VII., Chaptered 91, are repealed.

Time for completion of extensions.

**6.** Notwithstanding anything contained in the Act passed in the first year of His late Majesty's reign, Chaptered 91, or in the Act passed in the 4th year of His late Majesty's reign, Chaptered 94, or in the Act passed in the 9th year of His late Majesty's reign, Chaptered 148, or in the Act passed in the 10th year of His late Majesty's reign, Chaptered

tered 153, or in the Act passed in the first year of His Majesty's reign, Chaptered 133, or in *The Ontario Railway Act, 1906*, the extensions and branches authorized by this Act shall be commenced within two years from the passing of this Act, and the extensions and branches of the said railway authorized by the said Acts and by this Act shall be completed and put in operation within five years from the passing of this Act, and if the said extensions and branches authorized by this Act are not commenced within two years after the passing of this Act, or if the said extensions and branches authorized by the said Acts and by this Act are not completed and put in operation within five years from the passing of this Act, then the powers granted to the said Company by the said Acts and by this Act shall cease and be null and void as respects so much of any of the said extensions and branches as may then remain uncompleted.

Application of 6 Edw. VII., c. 30.

7. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of the said special Acts of the Company and of this Act, shall apply to the Company and the railway constructed or to be constructed by it.

CHAPTER

# CHAPTER 151.

## An Act respecting the Industrial Exhibition Association of Toronto.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Industrial Exhibition Association of Toronto has, by its Petition, represented that it is desirable that an Act may be passed to change its name and to make certain changes in the associations and bodies from which its membership should be drawn and to define more clearly the rights and powers of the said Association with reference to the conduct of its exhibition; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

**1.** The name of the said Association is hereby changed to "Canadian National Exhibition Association."

Powers of Association.

**2.** The Association, under its new name, shall continue to exercise all the rights, powers and privileges that prior to the passing of this Act have been held, exercised and enjoyed by it under the provisions of its Act of Incorporation and amending Acts in as full and ample a manner as if the Association had continued under its original name, subject only after the passing of this Act to the amendments in this Act contained; and all legal and other proceedings prior to the passing of this Act begun by or against the Association may be continued under the name or under the style of cause in which they have begun.

42 Vic. 81, s. 4, as enacted by 5 Edw. VII. c. 114, s. 1, amended.

**3.** Section 4 of the Act passed in the forty-second year of the reign of Her late Majesty Queen Victoria and Chapter 81 as enacted by section 1 of the Act passed in the fifth year of the reign of His late Majesty King Edward the Seventh and Chapter 114 is repealed and the following substituted therefor—

Membership.

**4.**—(1) The membership of the Canadian National Exhibition Association shall be divided into three sections, as follows:

(*a*) The City Council.

(*b*) Manufacturers, Liberal Arts and Miscellaneous not to exceed fifty members, exclusive of life members; and

(*c*) Agricultural, not to exceed fifty members, exclusive of life members.

(2) The City Council section shall consist of the Mayor and members of the Council of the City of Toronto, the City Treasurer, the Park Commissioner, the City Clerk, the City Engineer, the Corporation Counsel, the City Architect, the Medical Health Officer, the Assessment Commissioner, the Commissioner of Property and Street Cleaning, and the Chief of the Fire Department.

(3) The Manufacturers, Liberal Arts and Miscellaneous Section shall consist of the Minister of Education, the Deputy Minister of Education, the Minister of Lands, Forests and Mines, and the Deputy Minister of Mines of the Province of Ontario; 15 representatives from the Canadian Manufacturers Association, three of whom must be non-residents of the said City, whose principal businesses are located outside of the said City, five representatives from the Board of Trade of the City of Toronto, two representatives from each of the following bodies: The Retail Merchants Association of Canada, the Commercial Travellers Association, the Ontario Society of Artists, the Canadian Press Association, the Toronto District Labour Council, the Board of Education of the City of Toronto, the County Council of the County of York, and one representative from each of the following bodies: The York Pioneer and Historical Society, the Graphic Art Club, the Applied Art Club, the Royal Canadian Academy, the Canadian Art Club, the Ontario Association of Architects, the Toronto Camera Club, such representatives to be named and appointed by the said several bodies at their annual meeting for the election of officers, and in the case of the said Board of Education and said County Council, to be appointed annually.

(4) The Agricultural Section shall consist of the Minister and Deputy Minister of Agriculture of the Province of Ontario, the President of the Ontario Agricultural College, the Superintendent of Agricultural and Horticultural Societies of the Province of Ontario, the Director of the Live Stock Branch of the Ontario Department of Agriculture, the Director of the Fruit Branch of the Ontario Department of Agriculture, the Director of the Dairy Branch of the Ontario Department of Agriculture, two representatives from each of the following bodies; Canadian Kennel Club, Dominion Shorthorn Breeders Association, Dominion Swine Breeders Association, and one representative from each of the following bodies: The Toronto Electoral District Agricultural Society, Canadian Thoroughbred Horse Society, Canadian Hackney Horse Society, Clydesdale Horse Association of Canada; Canadian Pony Society, Ontario Horse Breeders Association, Canadian Percheron Horse Breeders Association, Canadian Shire Horse Association, Toronto Hunt Club, Toronto Driving Club, Ontario Jockey Club, Ontario Veterinary Association, Canadian Standard Bred Horse Society, Canadian Aberdeen Angus Association, Canadian Ayrshire Breeders Association, Canadian Hereford Breeders Association, Holstein-Friesian Association of Canada, Canadian Jersey Cattle Club, Dominion Cattle Breeders' Association, Dominion Sheep Breeders Association, Ontario Sheep Breeders Association, The Western Ontario Poultry Association, the Eastern Ontario Poultry Association, Toronto Poultry Association, Canadian Pigeon Fanciers Association, Toronto Canary and Cage Bird Society, Ontario Horticultural Association, Toronto Horticultural Association, Fruit Growers Association of Ontario, Toronto Gardeners and Florists Association, Ontario Vegetable Growers, Ontario Bee Keepers Association, Eastern Ontario Dairymens Association, Western Ontario Dairymens Association, and the Dominion Grange, such representatives to be named and appointed by the said several bodies at their annual meeting for the election of officers.

(5) Notice of the appointment of representatives under the two preceding subsections and of the names and addresses of such representatives signed by the President and Secretary of each of the said bodies

(other

(other than the City and County Council and Board of Education), together with a certified list of the names and addresses of all the members of such bodies and of the members voting at such annual meeting shall forthwith after such meeting be given to the said Association, so that the same shall be received by the Secretary of the said Association not later than the last Wednesday of January at the hour of 12 o'clock noon in each year.

(6) A representative of any one of the bodies named in sections (*b*) and (*c*) must be a member of such body, and must be actively engaged in the industry which such body purports to represent.

(7) In the event of any such body failing to appoint a representative in any year in accordance with the provisions of the preceding subsections, the representation of such body may be cancelled by the said Association. The decision of the said Association at the annual meeting, shall be final upon any question as to the proper appointment of any such representative, and whether the provisions of the preceding subsections have been properly complied with.

(8) The representatives of the said three sections, and such representatives from other bodies and life members as the Lieutenant-Governor in Council, upon the recommendation of the Board of Directors, approved by the said Association, may admit to membership as hereinafter provided, shall constitute the said Canadian National Exhibition Association, and the said several persons and representatives named or hereafter to be admitted under the provisions hereof shall be the members of the said Canadian National Exhibition Association.

(9) Subject to the limitation of members above provided, the Lieutenant-Governor in Council, upon the recommendation of the Board of Directors approved by the said Association at any annual or other general meeting thereof, may admit to membership in the said Association such number of representatives of other bodies and such persons to be life members as he may, upon such recommendation see fit, and may upon a like recommendation assign the same to one or other of the sections lettered (*b*) and (*c*) in subsection 1 of this section; and the Lieutenant-Governor in Council may in like manner cancel the membership of any body or organization or of any person.

**4.** Subsection 2 of section 9 of the said first mentioned Act as enacted by section 2 of the said Act passed in the fifth year of the reign of His late Majesty King Edward the Seventh is amended by adding after the word "Association," in the seventh line thereof, the words " and may also at such meeting elect as Honorary President to hold office during the year any Director who has held the office of President, and if there be none such, or should such person refuse to act, then any Director may be elected as such Honorary President." 42 Vic. c. 81, s. 9 (2), amended.

**5.** The said first mentioned Act is further amended by adding thereto the following section 19: 42 Vic. c. 81, amended.

Rules and regulations.

19. The Board of Directors and officers of the Association may by their rules and regulations prohibit and prevent all kinds of gambling, theatrical, circus or mountebank performances, exhibitions or shows, and the huckstering or trafficking in fruits, goods or merchandise, tickets or other things on the Exhibition Grounds or on the streets or lots within four hundred yards of the said grounds, during the time of the annual exhibition, and any one violating such rules or regulations or refusing on demand to desist from such violation, may be removed by the officers, policemen or constables of the said Association, or by any officer of the law and shall also be liable to a fine of not less than one, nor more than twenty dollars, said fine to be enforced and collected, as fines are usually collected, and to be paid over to the Association for its use and benefit, and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days; provided, however, that this section shall not prevent the sale upon any lands within the said distance of four hundred yards of articles usually sold thereon at times other than during the said Exhibition.

**6.** The life members who at present exist shall not be interfered with by anything which is contained in this Act. Their appointments are hereby confirmed. Life members.

CHAPTER

# CHAPTER 152.

## An Act respecting The Ontario and Minnesota Power Company, Limited

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Ontario and Minnesota Power Company, Limited, has by petition represented that it was duly incorporated by Letters Patent under the Great Seal of the Province of Ontario, dated the 13th day of January, 1905; that Supplementary Letters Patent have been granted to the said Company on or about the 25th day of April, 1911; and whereas the said Company has by its petition prayed that it be enacted as hereinafter provided; and whereas it is expedient to grant the prayer of the said petitioners:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: —

Power to expropriate certain lands.

1. The Company shall have the right, and it is hereby empowered to enter upon, take and expropriate, without the consent of the owners thereof, the lands required for and in connection with the construction and operation of a Paper Mill within the following area: that is to say; Lots A, B, C, D, F, G, H and X and the south thirty-four feet four inches of lots I and J, as shown in the original plan of the Town Plot of Alberton in the Town of Fort Frances, and the lands bounded on the north by Nelson Street between Mowat Street and Portage Avenue and Sinclaire Street between Portage Avenue and Victoria Avenue and on the east by Portage Avenue between Nelson Street and Sinclaire Street, and Victoria Avenue between the River and Sinclaire Street, and on the south and west by the Rainy River and a part of Mowat Street.

Filing of map or plan.

2. A map or plan of the land intended to be taken so far as then ascertained and a Book of Reference in which shall

be

be set forth (*a*) a general description of the said lands; (*b*) the names of the owners and occupiers so far as they can be ascertained, and (*c*) everything necessary for the right understanding of such map or plans shall be made and filed in the office of the Local Master of Land Titles at Fort Frances.

Application of certain sections of 6 Edw. VII. c. 30.

**3.** For the purposes of this Act subsections 7, 12 and 14 of section 59 and sections 61 to 68 of *The Ontario Railway Act, 1906,* shall, so far as applicable, *mutatis mutandis* apply to the Company and to the exercise by it of the powers hereby conferred, and wherever in the said sections the word "Railway" occurs, it shall for the purposes of the Company and unless the context otherwise requires, mean the said Paper Mill.

When power of expropriation to be exercised.

**4.** In case the Company does not, within one year after the passing of this Act, proceed to expropriate and serve notice of expropriation pursuant to section 68 of the said Ontario Railway Act upon the owners of the said lands or such part or parts thereof as the Company shall desire to take, then the right and power of expropriation hereby given shall at once cease and be determined, and the said Company shall not thereafter have the right to proceed to expropriate any lands or interests in respect to which notice has not been served within the time hereby limited; but this section shall not impair or limit the obligation of the Company to serve notices of expropriation within thirty (30) days as provided in a certain agreement between the Company and the Town of Fort Frances dated the 15th March, 1912.

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CHAPTER

## CHAPTER 153.

### An Act to amend the Act of Incorporation of the Toronto Stock Exchange.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Toronto Stock Exchange has by its petition represented that it was incorporated by Act of the Legislature of Ontario, passed in the 41st year of the Reign of Her Late Majesty Queen Victoria, Chapter 65, intituled *An Act to Incorporate the Toronto Stock Exchange;* that by said Act it was provided that the clear annual value of the real estate of the said Corporation at any one time should not exceed $5,000; and that it is desirable to enlarge the powers of the said Corporation in respect of the holding of real estate; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

41 V., c. 65, s. 1, amended. Power to hold land increased.

**1.** Section 1 of Chapter 65 of the Acts passed in the 41st year of the Reign of Her Late Majesty Queen Victoria, intituled *An Act to Incorporate the Toronto Stock Exchange,* is hereby amended by striking out the words "five thousand" where they appear in said section, and by substituting therefor the words "fifty thousand."

Power to hold land not required for purposes of corporation.

**2.** Subject always to the limitation that the clear annual value of the real estate of the Corporation shall not at any one time exceed fifty thousand dollars, the Corporation may from time to time acquire and hold any lands (including the buildings thereon, if any), and may from time to time acquire, erect, improve, alter or add to and hold any building upon or in which it shall be intended that any business of the Corporation shall be carried on although the whole of any such lands or buildings may not be required exclusively for the carrying on of such business, and the Corporation may from time to time alienate, sell, convey, mortgage, lease or otherwise dispose of any such lands or buildings or any part or parts thereof.

**3.** The Committee of Management of the Corporation, if thereunto duly authorized by resolution passed at a special meeting of the Corporation duly called in accordance with the By-laws of the Corporation for the purpose of considering the subject of such resolution, may borrow money, issue bonds, debentures or other securities and secure any bonds or debentures or other securities or any liability of the Corporation, by charge, mortgage or pledge of any or all of the real or personal property of the Corporation. Bonding powers, etc.

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# CHAPTER 154.

## An Act respecting The St. Catharines General and Marine Hospital

*Assented to 16th April, 1912.*

Preamble. WHEREAS the Trustees of The St. Catharines General and Marine Hospital have by their petition represented that The St. Catharines General and Marine Hospital was incorporated by Chapter 107 of the Acts of the Parliament of the late Province of Canada passed in the 29th year of the reign of Her late Majesty Queen Victoria; that the said Hospital has been established and maintained in the city of St. Catharines for a period of more than forty years as a public hospital, and that the said hospital has been and is now receiving aid from the Government of Ontario; that by reason of the large section of country and population served by the said hospital the buildings and equipment for many years in use have proved inadequate, and the said Trustees have acquired additional lands and erected new and additional buildings at a cost of more than $70,000, and that there is now a balance owing in respect of the said additional land, buildings and equipment of $30,000, and that the said Trustees have no present means of paying the same; and whereas the said Trustees have also represented that a doubt exists as to the quantity or value of land which the said corporation is, by virtue of the said recited Act, authorized to acquire, and that the said corporation should be authorized to acquire such land and to erect such buildings as may be necessary for the purposes of the said Hospital and as a residence or training school for nurses and as a residence for a physician in connection therewith; and whereas the said Trustees have further represented that the said corporation should be authorized to issue bonds or debentures as its needs or purposes may require to an amount not exceeding one-half the value of the real property held by the corporation, and to mortgage the real property of the corporation to an amount not exceeding one-half the value of such real property either as security for any such issue of bonds or debentures or for any other purpose which the needs or objects of the corporation may require; and whereas the said Trustees have further represented that there has been established and maintained for

for more than twenty years in connection with the said hospital a residence and training school for nurses called The Mack Training School for Nurses, and that they should be authorized to continue and maintain the said training school for nurses and to prescribe rules and periods of training for and issue certificates or diplomas to nurses trained therein; that they have applied to the Council of the Municipal Corporation of the City of St. Catharines for aid by way of guarantee of the principal and interest of the bonds or debentures of the said The St. Catharines General and Marine Hospital to the amount of $30,000, to be issued for the purpose of paying the balance due in respect of the said new and additional buildings and the furnishing and equipment thereof, and that a by-law for such purpose has been submitted to and approved of by the qualified ratepayers and that it is desirable that such by-law be confirmed; and whereas the said Trustees have prayed that an Act be passed for the above purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 2 of Chapter 107 of the Acts of the Parliament of the late Province of Canada passed in the twenty-ninth year of the reign of Her late Majesty Queen Victoria is repealed and the following section substituted therefor: 29 V. c. 107, s. 2, repealed.

**2.**—(1) The said corporation may purchase, acquire and hold any real estate in the City of St. Catharines, or in any other municipality in the County of Lincoln, with the consent of the Municipal Council of such other municipality, which the said corporation may require for its actual use and occupation or for the purposes of the said corporation, or as a training school and residence for nurses in connection with or for the purposes of the said hospital, or as a site for the residence of a superintending or resident physician in attendance on or in connection with the said hospital; and may sell, lease or otherwise alienate any part of such real estate when no longer required for the purposes of the said corporation. Power to acquire and hold land

(2) The said corporation is authorized and empowered to make and issue the bonds or debentures of the corporation from time to time as its needs or purposes may require to an amount not exceeding in the whole one-half of the value of the real property held by the corporation. Issue of bonds or debentures.

(3) The said corporation is authorized and empowered from time to time to mortgage the real property of the cor- Power to mortgage.

poration

poration to an amount not exceeding in the whole one-half the value of the real property held by the corporation either as security for any such issue of bonds or debentures as aforesaid or for any other purpose which the needs or objects of the corporation may require.

Attorneys.

(4) The said corporation is authorized and empowered to appoint an attorney or attorneys for the management of its affairs, and also to appoint and remove at pleasure such physicians, officers and servants as may be deemed desirable.

29 V. c. 107, s. 6, repealed.

**2.** Section 6 of the said Act is repealed.

Training school for nurses.

**3.** The said corporation is also authorized to maintain and continue in connection with, or as a part of, the said hospital the training school for nurses known as The Mack Training School for Nurses now and for many years past established and maintained in connection with the said hospital, and to prescribe rules and periods of training for, and to issue certificates or diplomas to, nurses trained and educated therein.

By-law of City of St. Catharines re hospital confirmed.

**4.** A By-law of the Municipal Corporation of the City of St. Catharines intituled "A By-law to grant aid to the St. Catharines General and Marine Hospital by the guarantee of the debentures thereof to the amount of $30,000.00," set out as Schedule "A" to this Act, which was submitted for the votes of the qualified ratepayers of the City of St. Catharines at the annual municipal election of the said city for the year 1912 and received a majority of such votes, is hereby validated and confirmed and declared binding upon the said municipal corporation.

SCHEDULE "A."

BY-LAW NUMBER 2361.

A By-law to grant aid to the St. Catharines General and Marine Hospital, by the guarantee of the debentures thereof to the amount of $30,000.00.

Whereas by Section 2*a* of Section 588 of the Consolidated Municipal Act, 1903, it is enacted that by-laws may be passed by the councils of cities for granting aid to any incorporated society or any association of individuals for the erection, establishment, and equipment of public hospitals for the treatment of persons suffering from disease or from injuries by accidents or violence.

And whereas the Trustees of the St. Catharines General and Marine Hospital, a body politic and corporate, incorporated under the authority of chapter 107 of the Statutes of the late Province of Canada, passed in the twenty-ninth year of the Reign of Her late Majesty Queen Victoria, have represented to this Council that the said hospital has been established and maintained in this City for a period of more than forty years as a public hospital for the treatment of persons suffering from diseases, or from injuries

caused

caused by accidents or violence, and the said Trustees have further represented to this Council that they have recently erected a new and additional building to the said hospital, and for use in connection therewith, at an expenditure of $70,000.00, and the said Trustees have also represented to this Council that in order to pay for the erection and establishment of the said new and additional building, and its equipment as a hospital, it will be necessary for the said Trustees to borrow the sum of $30,000.00, and to issue the debentures of the said the St. Catharines General and Marine Hospital therefor, extending over a period of fifteen years, and the said Trustees have applied to the Council of this corporation for aid, by way of guarantee by this corporation, of the principal and interest of the said debentures, so to be issued as aforesaid.

And whereas this Council deems it expedient and in the public interest to grant the said aid by way of guarantee.

Therefore the Council of the corporation of the City of St. Catharines enacts as follows:—

1. That it shall be lawful for this Corporation to guarantee the payment of the principal and interest of the debentures of the St. Catharines General and Marine Hospital, to the amount of $30,000.00, the said issue of debentures to consist of sixty debentures for the sum of $500.00 each, with interest at four and one-half per cent. per annum, to bear date the thirty-first day of December, 1911, and to become due and payable as follows:—Four of such debentures to become due and payable on the thirty-first day of December in each of the years 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, and 1926.

2. That for the voting by such of the electors of the City of St. Catharines as are by law entitled to vote on this by-law the polls will be held at the same hour, on the same day, at the same place or places, and by the same Deputy Returning Officers and Poll Clerks as for the Municipal Election for the City of St. Catharines for the year 1912.

3. The twenty-ninth day of December, 1911, in the Council Chamber, in the City Building, St. Catharines, at ten o'clock in the forenoon, is appointed as the time and place for the appointment in writing by the Mayor or Head of the Municipality of the City of St. Catharines of persons to attend at the various polling places and at the final summing up of the votes by the Clerk of the Council on behalf of the persons interested in, and promoting or opposing, the passing of this by-law respectively.

4. The third day of January, 1912, at ten o'clock in the forenoon, at the City Clerk's Office, in the City of St. Catharines, is hereby appointed for the summing up by the said Clerk of the number of votes given for and against this by-law respectively.

5. This by-law shall not come into force until validated and confirmed by an Act of the Legislative Assembly of the Province of Ontario.

Passed this 22nd day of January, 1912.

(Signed) J. ALBERT PAY, *City Clerk.* (Signed) W. H. MERRITT, *Mayor.*

(Seal of Corporation)

## CHAPTER 155.

### An Act to incorporate the Young Men's Christian Association of Fort William.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS William James Hamilton, John Josiah Wells, Edward Saunders Rutledge, Leonard Raymond Clarke, Robert Strachan, Gaylen Rupert Duncan, Percy John Lake, Everley Ramond Gavin, Alexander Snelgrove, Sherman John McQueen, Guy Leonard Allen, John Eliot Swinburne, William Stevenson, Peter McKellar, and George Hacon Williamson, all of the City of Fort William, in the District of Thunder Bay, have in their petition prayed for an Act of Incorporation under the name of "The Young Men's Christian Association of Fort William," with power to acquire and hold free-hold or lease-hold or other interests in real estate and other property for the purposes of the Association and with other powers; and whereas it is expedient to grant the prayer of the said petition: —

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. William James Hamilton, John Josiah Wells, Edward Saunders Rutledge, Leonard Raymond Clarke, Robert Strachan, Gaylen Rupert Duncan, Percy John Lake, Everley Ramond Gavin, Alexander Snelgrove, Sherman John McQueen, Guy Leonard Allen, John Eliot Swinburne, William Stevenson, Peter McKellar and George Hacon Williamson, and such other persons as are now or shall hereafter become members of the Young Men's Christian Association of Fort William, shall be and they are hereby constituted a body politic and corporate under the name of "The Young Men's Christian Association of Fort William," and shall have power to acquire and hold for the purposes of the Corporation real estate in the City of Fort William, in the District of Thunder Bay, or any leasehold or other interest therein to the value of $250,000, and the same or any part thereof to alienate, mortgage, lease or otherwise charge

charge or dispose of, as occasion requires; and may also acquire and hold either in its own name or jointly with any other Association, or any person on its behalf, lands in the District of Thunder Bay, not exceeding in value $10,000 for Summer Camping Grounds and Athletic and Playing Fields; and may also acquire any other real estate or interest therein (so that the annual value of the same shall not at any time exceed $5,000) by gift, devise or bequest, if made at least six months before the death of the party making the same, and may hold such estate or interest therein for a period of not more than seven years, and may within that period alienate or dispose of the same and the proceeds of such estate or interest therein as shall have been so alienated or disposed of shall be invested in public securities, county or municipal debentures or other approved securities for the use of the said Corporation, and such estate or interest as may not within the said period have been alienated or disposed of may be forfeited to the Crown.

Trading in real estate prohibited.

**2.** Nothing herein contained shall authorize the said Corporation to engage in the business of trading in the business of real estate.

Constitution and by-laws.

**3.** The Constitution and by-laws of the Association prior to its incorporation and under which the said Association has been conducted are and shall continue to be the constitution and by-laws of the said Association, but they or any of them may be added to or repealed and others substituted therefor.

Directors.

**4.** The Corporation may by by-law provide for the number of directors and as to their qualifications, mode of election and the time for which they shall hold office and may by by-laws from time to time increase or decrease such number.

Officers.

**5.** The officers of the said Association at the time of the passing of this Act shall be the officers of the said Corporation and shall retain their respective offices until others shall be elected in their place.

Objects of corporation.

**6.** The object of the said Corporation shall be the spiritual, mental, social, and physical improvement of young men by the maintenance and support of meetings, lectures, reading rooms, libraries, gymnasium and such other means as may from time to time be determined upon.

Exemption from taxation.

**7.** The buildings, lands and equipment of the said Corporation so long as and to the extent to which they are occupied by and used for the purpose of the said Corporation, are declared to be exempted from all school and municipal taxation except for local improvements.

Notes, contracts, bills of exchange, etc.

8.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn or accepted and every promissory note and cheque made or drawn on behalf of the said Corporation by the president, vice-president, secretary, and treasurer of the Corporation, or any two of them, in general accordance with their powers as such under the by-laws of the Corporation shall be binding upon the Corporation (but promissory notes or cheques payable to the order of the Corporation may be endorsed by either the secretary or treasurer of the said Corporation), and in no case shall it be necessary to have the seal of the Corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any special by-law or special vote or order, nor shall the party so acting within his authority as agent, officer or servant of the Corporation be thereby subjected, individually, to any liability whatsoever in respect thereof.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note, payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

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## CHAPTER 156.

### An Act respecting the Young Women's Christian Association of Stratford.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS an Association under the name of "The Stratford Young Women's Christian Association" was incorporated on the Thirteenth day of July, 1905, under the provisions of an Act entitled *"An Act respecting Benevolent, Provident and other Societies,"* being Chapter 211 of the Revised Statutes of Ontario, 1897, such Association having for its object the development and improvement of the spiritual, intellectual, social and physical condition of young women and being governed by a constitution and by-laws which have received the assent of and been accepted by the members of the said Association; and whereas the said Association has by petition prayed that the said incorporation may be confirmed and its buildings and lands in the City of Stratford may be exempted from taxation, and that the powers of the said Association may be otherwise defined and enlarged; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows—

Incorporation confirmed.

**1.** The incorporation of the said Association is hereby confirmed and The Stratford Young Women's Christian Association is declared to be a body corporate and politic and to have been on the Thirteenth day of July, 1905, duly incorporated under the provisions of the said Act respecting Benevolent, Provident and other Societies with the rights, powers and privileges in the said Act mentioned and in every manner subject to the provisions thereof.

Constitution and by-laws.

**2.** The Constitution and By-laws of the Association under which the Association has heretofore been conducted are declared to have been the Constitution and By-laws of the

Association

Association since its incorporation and shall continue to be the Constitution and By-laws of the Association, but they or any of them may be amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Members and officers.

**3**. The members of the Association shall continue to be members thereof and the officers of the Association shall continue to hold office in the manner provided by and subject to the Constitution and By-laws of the Association.

Power to hold land.

**4**. The said Association shall have power to acquire and hold real estate in the City of Stratford or any leasehold or other interest therein, provided the annual value of the real estate so acquired or held and not actually used for the work of the said Association shall not exceed at any one time $10,000, and the Association may sell, exchange, mortgage, lease or otherwise charge or dispose of any such real estate or interest therein as occasion may require.

Trading in land prohibited.

**5**. Nothing herein contained shall authorize the said Association to engage in the business of trading in real estate.

Exemption from taxation.

**6**. The buildings of the said Association and the lands whereon the same are erected or used and enjoyed in connection therewith shall, so long as the same are occupied by and used for the purposes of the Association, be exempt from taxation except for local improvements.

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CHAPTER

# CHAPTER 157.

## An Act respecting The Upper Canada Bible Society.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS The Upper Canada Bible Society is an Auxiliary of the British and Foreign Bible Society, having for its object the publication and dissemination of the Bible known as the Scriptures of the Old and New Testament without note or comment at cost or below cost, and having also as its ulterior object the spiritual and moral welfare not only of the people of this Province but also those of the City of Toronto and generally for the promotion of Christian work in the City of Toronto and its vicinity; And whereas it is desirable that the buildings of the said Society within the limits of the said Corporation, and the lands whereon the same are or may be erected should be exempt from taxation except for local improvements; And whereas the said Society has prayed that the said exemption may be granted; And whereas it is expedient to grant the said prayer;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands of Upper Canada Bible Society exempt from taxation.

**1.** Such buildings of the Upper Canada Bible Society, and the lands whereon the same are erected, as are or may be hereafter occupied by and used for the purposes of the said Society, within the limits of the Corporation of the City of Toronto are declared to be exempted from taxation except for school purposes and for local improvements.

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CHAPTER

# CHAPTER 158.

## An Act respecting St. John's Church, Cornwall.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS by an Act passed in the 34th year of the reign of Her late Majesty Queen Victoria, Chapter 87, certain lands belonging to St. John's Church, being the Cornwall Congregation of the Presbyterian Church of Canada, then in connection with the Church of Scotland, were vested in fee simple in certain trustees in trust for the benefit of the said Congregation for the purposes therein specified; and whereas provision was therein made for the filling of vacancies in the office of trustee as therein specified; and whereas the present trustees of the said St. John's Church, Cornwall, according to the seniority of their appointment, are Duncan Monroe, Gordon Ross Phillips, Guy Carleton Colquhoun, John Graham Harkness and Duncan Grant; and whereas the said Congregation of St. John's Church, Cornwall, by the said trustees have petitioned that the said Act may be amended so as to fix the term of office of the present trustees and to provide that when a vacancy occurs new trustees shall be elected by the Congregation instead of being appointed by the remaining trustees; and whereas by an Act passed in the 48th year of Her late Majesty Queen Victoria, Chapter 94, the then trustees and their successors were given power and authority to contract for and sell the lands therein specified and out of the proceeds to purchase a new site on which to erect a Church and to apply such sum as may be fixed upon by a majority of the said Congregation entitled to vote present at a meeting of said Congregation duly called for such purpose in the erection of a new Church edifice; and whereas the said Congregation by its said trustees have petitioned that the said last mentioned Act be so amended as to enable the said trustees with the sanction of the Congregation to use the proceeds of land already sold or to be sold by the trustees, pursuant to Section 1 of the said last mentioned Act for the purpose of paying for repairs already made or to

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be made to the Church or manse of said Congregation or to erect, repair or improve another Church or manse in lieu of the ones now owned by the Congregation and if necessary to purchase a site therefor; and whereas it is expedient to grant the prayers of the said petition:—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of Chapter 87 of the Acts passed in the 34th year of the reign of Her late Majesty Queen Victoria is repealed and the following Section substituted therefor: 34 V. c. 87, s. 2, repealed.

**2.**—(1) The term of office of the present trustees shall be determined as follows: One of the said trustees shall retire from office at each Annual Meeting of the said Congregation in the month of January for the next succeeding five years in the order of the seniority of their appointment, but the said trustee so retiring shall be eligible for re-election. Term of office of trustees.

(2) The term of office of the trustees to be hereafter appointed, other than those appointed to fill a vacancy created by death, removal or resignation, shall be five years, and trustees shall be elected at the annual meeting of the congregation each year to replace the present trustees as they shall respectively retire as aforesaid, and thereafter annually at the said meeting.

(3) The said trustees shall be and continue to be members of the said Congregation. Trustees to be members of congregation.

(4) That should from death, removal or resignation or otherwise a vacancy occur among the said trustees the surviving or remaining trustee or trustees for the time being or a majority of them may fill such vacancy or vacancies by naming or appointing any person or persons to fill such vacancy or vacancies by any writing under his or their hand or hands, provided always that all trustees so appointed shall only hold such office until the next annual meeting of the said Congregation when trustees shall be chosen by the said meeting or at some other subsequent meeting called for that purpose, and the trustee or trustees so chosen shall hold office for the unexpired portion of the term or terms of the trustee or trustees in whose stead they shall be chosen. Filling vacancies.

**3.** Section 4 of Chapter 94 passed in the 48th year of the reign of Her late Majesty Queen Victoria is repealed and the following substituted therefor: 48 V. c. 94, s. 4, repealed.

Application of proceeds from sale of lands.

4.—(1) The trustees for the time being shall have power out of the proceeds of the sale of the said lands to apply such sum as may be fixed upon by a majority of the said Congregation entitled to vote, present at a meeting of the said Congregation duly called for such purpose, for the purpose of paying for repairs or extensions already made or to be made to the Church or manse of said Congregation or to build, repair, extend or improve another Church or manse in lieu of the ones now owned by the said Congregation and if necessary to purchase a site or sites therefor.

Investment of money.

(2) The trustees for the time being shall invest the remainder of the moneys arising from the said sales or transfers aforesaid in such a manner as may be determined on by a majority of the Congregation entitled to vote, present at a meeting duly called for that purpose.

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CHAPTER

# CHAPTER 159.

## An Act to authorize the Incorporated Synod of the Diocese of Ontario, and Rector of St. Thomas Church, Belleville, to sell and convey certain lands.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS the Incorporated Synod of the Diocese of Ontario and the Rector of St. Thomas Church in the City of Belleville, have petitioned for an Act to authorize the sale and conveyance of that certain parcel of land and premises, in the City of Belleville, in the County of Hastings, composed of part of lots numbers twenty-six and twenty-seven as laid down on the registered plan of the said City described as follows: Commencing on the easterly side of Church Street at the southwest corner of lot twenty-six; thence north thirty-eight degrees fifty minutes east two hundred and seven feet two inches to a point; then north seven degrees five minutes east eighty-one feet two inches to a point; thence north fifty degrees forty-nine minutes east one hundred and four feet three inches to the easterly side line of lot twenty-seven; thence northerly along said side line thirty-five feet to the northeast angle of said lot; thence westerly along the northerly boundary of said lot to Church Street; thence southerly along the easterly side of Church Street to the place of beginning and as staked by the surveyor and iron pegs placed by him thereon, to the Board of Education of the City of Belleville; and whereas the said lands (with other lands) were granted by His late Majesty King George IV., on the 20th day of June, 1825, to the Rector and Churchwardens of the Episcopal Church of the then Town of Belleville, and their successors in office for church and burial ground purposes; and whereas an instrument purporting to be a deed of consecration by the then Bishop of Quebec, dated the seventh day of September, 1828, was registered upon the said property; and whereas that part of the land so granted and now sold has never been used and is no longer required for Church and burial ground

purposes

purposes; and whereas the said Synod, with the consent of the said Rector, have agreed to sell and convey the said lands to the said Board of Education, who have agreed to purchase the same for the sum of $4,500; and whereas doubts have arisen as to the right of the said Synod and Rector to convey the said property; and whereas it is equitable and expedient to confirm the said sale and to validate the conveyance of the said Synod and Rector to the said Board of Education, and to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to sell certain lands.

**1.** The Incorporated Synod of the Diocese of Ontario, with the consent of the Rector of St. Thomas Church, Belleville, shall have full power and authority to sell and convey the said lands to the said the Board of Education of the City of Belleville.

Vesting of land in Board of Education.

**2.** Upon payment of the said purchase money, and upon delivery of a conveyance of the said lands executed by the said parties, the title to said lands shall be absolutely vested in the said The Board of Education, of the City of Belleville.

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CHAPTER

## CHAPTER 160.

An Act to change the names of Alexander John Bertram and Catharine Wilhemina Geddes.

*Assented to 16th April, 1912.*

Preamble. WHEREAS Edgar Warren Smith, late of the Township of North Grimsby, in the County of Lincoln, and Province of Ontario, Esquire, departed this life on or about the 18th day of February, A.D. 1912, leaving a last Will and Testament bearing date the 19th day of January, 1912; and whereas by the terms of the said Will certain devises and bequests were made to the said Alexander John Bertram and Catharine Wilhemina Geddes, a nephew and niece respectively of the said testator, on condition that the said Alexander John Bertram should within one year from the date of the death of the said testator legally change his name to Alexander John Bertram-Smith, and that the said Catharine Wilhemina Geddes should within one year from the date of the death of the said testator legally change her name to Catharine Wilhemina Geddes-Smith; and whereas the said Alexander John Bertram and Catharine Wilhemina Geddes are six and nine years old respectively; and whereas the mother and father of the said Alexander John Bertram and the mother and father of the said Catharine Wilhemina Geddes have by petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition:—

Therefore His Majesty, by and with the advice and consent of the Legislature of the Province of Ontario, enacts as follows:

Change of name of A. J. Bertram. **1.** The name of the said Alexander John Bertram shall hereafter be Alexander John Bertram-Smith.

Change of name of C. W. Geddes. **2.** The name of the said Catharine Wilhemina Geddes shall hereafter be Catharine Wilhemina Geddes-Smith.

Rights of A. J. Bertram-Smith. **3.** The said Alexander John Bertram-Smith shall hereafter claim, obtain, exercise and enjoy all and every advantage, benefit, calling, profession, occupation, addition, title and degree which he exercises or enjoys, or has been or might be entitled to under the surname of Bertram, and also shall recover

recover, have, hold and possess, and be capable of inheriting all real and personal property and rights, interests, credits, moneys and securities of any nature or kind whatsoever which he at present has, holds or possesses or is capable of recovering, having, holding, possessing or inheriting, or might hereafter be capable of receiving, having, holding, possessing or inheriting by and under the surname of Bertram, and also shall not hereafter, by reason of the change of name hereby made be deprived of or disqualified from exercising or enjoying any addition, title, degree, qualification, advantage, benefit, possession, calling, appointment, honour, position or any interest or property of any nature or kind whatsoever which he now has, holds, possesses or enjoys or is or might hereafter be capable of recovering, having, holding, possessing, inheriting and enjoying if the said change of name had not been made by the adoption and addition of the said name of Smith.

Rights of Catharine W. Geddes-Smith.

**4.** The said Catharine Wilhemina Geddes-Smith shall hereafter claim, obtain, exercise and enjoy all and every advantage, benefit, calling, profession, occupation, addition, title and degree which she exercises or enjoys or has been or might be entitled to under the surname of Geddes, and also shall recover, have, hold and possess, and be capable of inheriting all real and personal property and rights, interests, credits, moneys and securities of any nature or kind whatsoever which she at present has, holds or possesses or is capable of recovering, having, holding, possessing or inheriting or might hereafter be capable of receiving, having, holding, possessing or inheriting by and under the surname of Geddes, and also shall not hereafter by reason of the change of name hereby made, be deprived of or disqualified from exercising or enjoying any addition, title, degree, qualification, advantage, benefit, possession, calling, appointment, honour, position, or any interest or property of any nature or kind whatsoever which she now has, holds, possesses or enjoys or is or might hereafter be capable of recovering, having, holding, possessing, inheriting, and enjoying if the said change of name had not been made by the adoption and addition of the said name of Smith.

Pending proceedings not affected by change of name.

**5.** If any suit, or legal or equitable proceeding, has been commenced by or against the said parties or either of them whose name is changed by virtue of this Act, by his or her former name, such suit or proceeding shall not be abated nor any relief or recovery sought thereby be prevented by reason of any such change in name, but the same may be continued and carried on to judgment and execution and until satisfaction and discharge had as if this Act had not been passed.

CHAPTER

## CHAPTER 161.

## An Act respecting the Estate of John Doran.

*Assented to 16th April, 1912.*

Preamble.

WHEREAS Georgianna Von Doran, of the Village of Morrisburg, in the County of Dundas, and Province of Ontario, Spinster, Mary Doran, of the same place, Widow, and Agnes Dardis of the same place, Widow, have, by their Petition, represented that John Doran, late of the Township of Matilda, in the County of Dundas and Province of Ontario, Yeoman, deceased, died at the said Township, on or about the fifth day of August, 1899, after having first duly made his last Will and Testament in writing, duly executed and bearing date the eighth day of June, 1899, and also that the said last Will and Testament contained the following devise unto the said Petitioner, Georgianna Von Doran:

"I give devise and bequeath to my daughter, Georgianna "Von Doran, my homestead farm, containing three hundred "and fifty acres, more or less, and being composed of the "west quarter of Lot number one, Lot number two, and the "east half of Lot number three, all in the first concession "of the said Township of Matilda for and during the term "of her natural life. If my said daughter dies, leaving "children, the said lands shall go after her death to her "said children or descendants, in such shares as she may "direct and appoint by her last Will and Testament, or if "she should not make any Will, then amongst such children "or descendants equally, so that children of a deceased child "shall take their parent's share. If my said daughter should "die without leaving any children or descendants, the same "shall go to my sister, Agnes Dardis, or in the event of her "being dead, then it shall be divided amongst my legal "heirs. The lands, however, shall be subject to the follow-"ing charges and conditions, namely: that my wife, Mary "Doran, shall have the right to have a home on the said "homestead, in common with my said daughter during the "term of her natural life, or so long as she remains my "widow, and subject also, to the payment, each and every

"year

"year to my said wife, Mary, for and during the term of "her natural life of the sum of two hundred dollars, the "same to be paid in two half-yearly payments after my "death, and I make this provision to my said wife in lieu "of all dower she may be entitled to out of my estate"; that at the time of the death of the said John Doran, she, the said Georgianna Von Doran became, and was seized in fee simple (subject as aforesaid) of all the said property set forth in the devise, above recited, and that the said lands and premises in the Township of Matilda aforesaid, consist of one large farm with buildings so arranged as to be worked and carried on as one large farm; that the said buildings were erected may years ago and piece meal, and there are no fewer than 13 buildings and stables, all of which are very much out of repair and not at all modern, and the time has arrived when large and commodious and up-to-date barns should be built in order to rent the lands to advantage; that the lands are situated on the bank of the St. Lawrence River, and could be sold for from twenty-five thousand to thirty thousand dollars; that the total net rental, after providing for the payment of taxes and insurance, is the small sum of $450; that the said Georgianna Von Doran and her mother, Mary Doran reside in a rented house, in the said Village of Morrisburg, and have very little other income outside of the rental of the said farm to support themselves, and that the said Georgianna Von Doran is willing to settle the proceeds of sale of the said land so that the same shall become vested in her children (if any) and be held upon the terms and conditions as to remainder and reversion provided in said Will; and whereas the said petitioners have prayed that an Act be passed authorizing the said Georgianna Von Doran to sell and convey the said land, subject to the provisions hereinafter set out; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Georgianna Von Doran authorized to sell certain land.

**1**. The said last Will and Testament of John Doran, late of the Township of Matilda, in said County and Province, Yeoman, bearing date the eighth day of June, 1899, is hereby declared to be effectual and shall be deemed to confer upon the said Georgianna Von Doran the right to sell and convey from time to time in fee simple absolute the said lands and all the estate, right, title and interest of the said Testator therein, either by public auction or private sale, and upon

such

such terms and credit or otherwise as she may deem proper, notwithstanding any limitations by way of remainder or reversion contained in said Will in favor of Agnes Dardis or the heirs of the said Testator as mentioned in said Will.

Purchaser to pay money to National Trust Co.

**2.** The purchaser or purchasers of the said land shall pay the purchase money into The National Trust Company, Limited, which shall or may invest the said money from time to time in any of the Government funds of the Dominion of Canada, or of the Province of Ontario, or on mortgage of freehold land, or upon debentures of building societies and other companies authorized to lend money on the security of real estate in Ontario, and out of the annual income from such investments, there shall be paid to the said Mary Doran, as a first charge, $300 annually during the term of her natural life in lieu of the annuity of $200 and the home for her on said lands as provided in said Will, and the balance of such income shall be paid to the said Georgianna Von Doran for and during the term of her natural life.

Purchase money to stand instead of land.

**3.** The said purchase money (subject to the said annuity) shall stand in lieu of the said land and be subject to the same trusts and powers as the said land, and upon the death of the said Georgianna Von Doran shall become the property of the same person who would then have taken said lands, in the same shares and proportions.

Liens on land not affected.

**4.** Nothing in this Act shall be construed to effect any liens (if any) now existing on or against the said lands, or the annuity in favour of the said Mary Doran.

Payment of expenses of Act, and sale of land.

**5.** The said The National Trust Company, Limited, may, and they are hereby authorized to pay the actual expenses of and incidental to this Act, and of and incidental to the sale of the said land, not exceeding in the whole $1,000, out of the purchase money of the said land.

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